United Nations S/2004/901

Security Council

Distr.: General
15 November 2004

Original: English

Draft resolution

The Security Council

Reaffirming its previous resolutions on the situation in Timor-Leste, in particular resolutions 1410 (2002) of 17 May 2002, 1473 (2003) of 4 April 2003, 1480 (2003) of 19 May 2003 and 1543 (2004) of 14 May 2004,

Commending the people and the Government of Timor-Leste for the peace and stability they have achieved in the country, as well as for their continuing efforts towards consolidating democracy and building state institutions,

Further commending the United Nations Mission of Support in Timor-Leste (UNMISET), under the leadership of the Secretary-General's Special Representative, and welcoming the continuing progress made towards the accomplishment of key tasks inscribed in its mandate, particularly during its consolidation phase, in accordance with Security Council resolution 1543 (2004),

Paying tribute to Timor-Leste's bilateral and multilateral partners for their invaluable assistance, particularly with regards to institutional capacity building and social and economic development,

Noting that, despite notable advances achieved in the last months, Timor-Leste has not yet reached the critical threshold of self-sufficiency, mainly in key areas such as public administration, law enforcement and security,

Welcoming the strengthening of cooperation and good relations between Timor-Leste and its neighbours and encouraging further progress towards concrete agreements on border delineation and other pending issues,

Commending the Serious Crimes Unit for the efforts it has undertaken in order to complete its investigations by November 2004, and any further trials and other activities no later than 20 May 2005,

Noting with concern that it may not be possible for the Serious Crimes Unit to fully respond to the desire for justice of those affected by the violence in 1999 bearing in mind the limited time and resources that remain available,

Taking note of the special report of the Secretary General on UNMISET of 29 April 2004 (S/2004/333) as well as of 19 November 2004 (S/2004/888), and welcoming his recommendations contained therein,

Remaining fully committed to the promotion of security and long lasting stability in Timor-Leste,

04-60911 (E) 171104

1. *Decides* to extend the mandate of UNMISET for a final period of 6 months until 20 May 2005;

2. *Decides* also to maintain UNMISET's current tasks, configuration and size in order to allow the mission to complete key tasks of its mandate and consolidate gains made thus far;

3. *Requests* UNMISET to focus increasingly on implementing its exit strategy, particularly with a view to ensure increasing involvement and ownership of the Timorese in the mission's three programme areas, so that, when it departs Timor-Leste, its responsibilities can be taken over by the Timorese, with the continued assistance of the United Nations system and bilateral and multilateral partners;

4. *Urges* the donor community to continue providing its indispensable assistance to Timor-Leste, including through active participation in the donor's conference scheduled to be held in March 2005;

5. *Urges*, in particular, United Nations development and humanitarian agencies and multilateral financial institutions to start immediately planning for a smooth transition, in Timor-Leste, from a peacekeeping operation to a sustainable development assistance framework;

6. *Reaffirms* the need to fight against impunity and, in this regard, *takes note of* the Secretary-General's intention to continue to explore possible ways to address this issue with a view to making proposals as appropriate;

7. *Requests* the Secretary-General to keep the Security Council closely and regularly informed of developments on the ground and of the implementation of the present resolution, in particular of paragraphs 3 and 5 above, and in that regard, *requests* the Secretary-General to submit a report within three months of the date of adoption of the present resolution, followed by a final report in May 2005;

8. *Decides* to remain actively seized of the matter.

United Nations S/2004/902

Security Council

Distr.: General
15 November 2004

Original: English

Second report of the Secretary-General on the United Nations Operation in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1545 (2004) of 21 May 2004, by which the Council established the United Nations Operation in Burundi (ONUB) and requested me to provide an update every three months on the situation in Burundi, the implementation of the Arusha Peace and Reconciliation Agreement for Burundi and the execution of the Operation's mandate. This report covers major developments since my report of 25 August 2004 (S/2004/682).

II. The transitional process

2. The reporting period was marked by major developments in the last few months of the original 36-month transitional period, which ended on 31 October 2004. Those developments include a breakthrough decision by the majority of Burundian parties to extend the transitional period under the existing arrangements for at least six months, the adoption and acceptance by major parties of a clear electoral calendar, and the adoption of a post-transition constitution to be put to a popular referendum. However, much more remains to be done by the Burundian stakeholders to advance the major objectives of the transition.

3. On the political side, key legislation must be adopted, including the communal law; repeal of the law banning assembly; and the laws governing the establishment of the new military and security forces. While the 1993 law on elections may be used for the referendum in the absence of any updated legislation, a new electoral code must be in place before elections are held.

4. On the security side, disarmament must proceed without delay, so that armed groups may become eligible to be registered as political parties in good time before the elections. Demobilization and integration must take place for the creation of integrated security services, and the issue of the proliferation of legal and illegal arms should be addressed to ensure a minimum level of security for elections. The issue of FNL (Agathon Rwasa), which remains outside the peace process, and the group's potential to disrupt the electoral process, will have to be resolved.

04-60438 (E) 191104

5. During the reporting period leading up to October, delays in planning for elections continued as a result of a lack of agreement on modalities for post-election power-sharing. The predominantly Tutsi parties continued to insist on revisions to the Arusha and subsequent agreements, which would ensure their rights as a minority group. Those proposals were opposed by the Hutu-dominated parties. On 23 August 2004, members of the G-10 Tutsi parties addressed a letter to the President, Domitien Ndayizeye, asking him to continue discussions on power-sharing. While indicating that he was still prepared to pursue such negotiations, the President insisted that the transitional process must at the same time be allowed to go forward, on the basis of the Pretoria agreement of 6 August on power-sharing.

6. On 3 and 4 September 2004, President Ndayizeye convened an extraordinary session of the Council of Ministers to discuss the text of a draft constitution, prepared by a commission of jurists established under former President Buyoya. However, reflecting the prevailing tensions, members of the non-signatory parties to the Pretoria agreement of 6 August, including the Vice-President and the Ministers for Defence and External Relations, boycotted the session, as a result of which there was no quorum. In response, CNDD-FDD (Nkurunziza) threatened to withdraw from State institutions if elections were not held as scheduled by the end of the transitional period on 31 October.

7. In an effort to break the deadlock, on 15 September, President Ndayizeye issued a decree calling for the draft constitution to be put to a popular referendum, without any further amendments. On 17 September, some parties of both the G-7 Hutu and G-10 Tutsi groupings attempted to find a formula allowing the non-signatory parties to sign the Pretoria agreement of 6 August as a basis for adhering to the constitution, but this proved to be impossible. On the same day, an extraordinary session of Parliament unanimously adopted the draft constitution, with 189 of 270 members present, including some members of the UPRONA party. The majority of those absent were from the non-signatory parties to the Pretoria agreement of 6 August.

8. On 12 October, however, following consultations with ONUB and the international community, the National Independent Electoral Commission, which had been established by Parliament on 31 August, determined that, for technical reasons, the referendum could not be held in October, with subsequent general elections to be held by 31 October, as envisaged in the Arusha Agreement. This recommendation was transmitted to the Heads of State of the Regional Peace Initiative on Burundi.

9. The twenty-third Summit of the Great Lakes Regional Peace Initiative on Burundi was held in Nairobi on 15 October. The Summit, which brought together the Heads of State of Burundi, Kenya, Rwanda and Somalia, the Deputy President of South Africa and Facilitator of the peace process for Burundi, and the Vice-President of the Peace and Security Commission of the African Union, was chaired by the President of Uganda, as Chairman of the Initiative. The Minister for Foreign Affairs of the United Republic of Tanzania, the Special Representative of the African Union in Burundi and my Special Representative for Burundi also attended the Summit. The meeting endorsed the conclusions made by the National Independent Electoral Commission that elections could not be held before 1 November 2004, and called for an extension of the transitional institutions and

administration. The regional leaders also agreed that the draft constitution should be considered as the provisional constitution until the referendum was held.

10. On 20 October, immediately following a joint special session of the National Assembly and the Senate, President Ndayizeye signed a law declaring the draft constitution to be the interim constitution until the referendum was held. Initially, members of the non-signatory parties to the Pretoria agreement of 6 August stated their disagreement with the interim constitution, as they considered the special parliamentary session to be illegal. Late in October, however, in response to further consultations and following appeals of leaders of the transition and the international community, those parties dropped their objections and issued a statement calling for unity, thus paving the way for a break in the political stalemate. Nine of the 10 Tutsi-dominated G-10 parties have since accepted the interim constitution. However, prominent Tutsi leaders, including the Vice-President, Alphonse Kadege, continued to call for a popular debate on amendments to the text of the proposed constitution. The tenth party, PARENA, had not been participating in the political process and refused to pronounce itself on the matter.

11. On 10 November, citing Vice-President Kadege's "failure to fulfil his primary function of assisting the President", President Ndayizeye, under a provision in the new interim constitution, issued a decree dismissing Mr. Kadege. Specifically, the decree referred to the Vice-President's refusal to participate in the Council meetings to discuss the draft constitution and his attempts to push forward a separate draft constitution in parallel to the Transitional Government's efforts, among other things. The night before issuing the decree, President Ndayizeye convened a meeting with the international community to advise it that the Vice-President's constant opposition was blocking preparations for the referendum. There was no immediate serious opposition to the decree by the Tutsi parties, and UPRONA has cooperated with the President in nominating two candidates for the post of Vice-President. The Deputy Speaker of Parliament, Frédéric Ngenzebuhoro, has now been approved for the post by the National Assembly and the Senate.

The electoral process

12. On 16 October 2004, the National Independent Electoral Commission published a new timetable for the referendum and elections that has since been endorsed by the Transitional Government. Accordingly, the referendum is now to be held on 26 November; *colline* elections on 9 February 2005; communal elections on 23 February; legislative elections on 9 March; and elections for the Senate on 23 March. The process would culminate with the indirect election of the President by Parliament on 22 April 2005.

13. The United Nations Development Programme (UNDP) and ONUB estimate that some US$ 23 million will be required to fund the entire electoral process, including the constitutional referendum. To date, pledged contributions stand at $19.5 million, a significant improvement on the $1 million cited in my last report to the Council. However, the disbursement of pledged funds remains slow, partly because of donors' reluctance to release funds until a comprehensive budget for the elections was issued by the National Independent Electoral Commission. As at the end of October 2004, only the Government of the Netherlands had delivered on its pledge of $1.87 million. On 2 November, the National Independent Electoral

Commission submitted to donors a budget for the elections and a plan outlining expenditures for the referendum.

Implementation Monitoring Committee

14. The Implementation Monitoring Committee established pursuant to the Arusha Agreement continued to play a key role in determining the priorities of the transitional process. At its twenty-first session, held on 30 September and 1 October, the Committee urged the Transitional Government of Burundi to facilitate the registration of former armed political parties and movements as political parties and appealed to the National Assembly to enact as quickly as possible a draft electoral code and a related law on district administration. In its deliberations on ceasefire-related issues introduced by the Joint Ceasefire Commission, the Committee called on the Transitional Government to formally establish the new defence and security forces during the current session of the National Assembly; to approve the Forces Technical Agreement and joint operations procedure for the pre-disarmament and demobilization of combatants; to create an integrated Joint Chiefs of Staff for the army and for the police; and to establish without delay a Joint Staff Headquarters. While many of these recommendations have since been implemented, the Transitional Government has yet to establish its new defence and security forces, or begin the disarmament and demobilization of combatants (see sect. IV), nor did the National Assembly meet to discuss the Organic Law establishing the new security and defence forces.

15. A number of other recommendations were made, including the completion by the Forces armeés burundaises (FAB) and armed political movements of the demobilization of child soldiers. The Implementation Monitoring Committee requested that the Government amend the 1962 law on recruitment into the army of minors under the age of 16 years.

16. During its twenty-second session, on 28 and 29 October 2004, the Committee urged the Burundian parties to accept the electoral timetable and continue the dialogue initiated by the President among all parties and institutions aimed at easing current tensions.

III. Military and security developments

17. The military situation in the country has remained generally stable throughout the reporting period, with the exception of three western provinces (Bujumbura Rurale, Cibitoké and Bubanza) where frequent clashes continued between FAB/CNDD-FDD and FNL (Rwasa). The Burundian Armed Forces and CNDD-FDD have reinforced and strengthened their forces in those conflict areas and are conducting integrated operations against FNL combatants. The hostilities cause temporary displacements of the local population, who on occasion seek refuge near ONUB deployment sites.

18. Crime in the country continues to be on the rise and is characterized by indiscriminate and opportunistic incidents. On 26 September, a United Nations Volunteer was murdered in Bujumbura, making him the first civilian casualty in the mission. This tragedy serves to underline the dangers faced by ONUB personnel serving in the mission and the need to ensure that all security measures are in place and fully respected. Organized crime, including armed robbery, carjacking,

kidnapping, torture and murder are becoming increasingly prevalent. An escalation in cattle theft has also been reported, not only in Bujumbura Mairie and Bujumbura Rurale, but along National Highway 5, a major export axis connecting Bujumbura to the Democratic Republic of the Congo, and continuing northward through Bubanza and Cibitoké Provinces to Rwanda. In many cases the individuals committing the crimes wear military uniforms and act with apparent impunity; they may have links with the security forces, including FAB and CNDD-FDD. Criminality committed by FNL combatants is frequent, as are civil disputes arising from unresolved land ownership conflicts.

19. In the meantime, the continuing proliferation of small arms poses a major security risk. Early in August 2004, the Government of Burundi asked me to assist in addressing the issue of small arms proliferation and their illegal trade. ONUB and the United Nations country team have been working closely to elaborate a joint approach to combating the proliferation of small arms, by ensuring that the issue is raised when developing confidence-building measures, and in activities relating to the reintegration of ex-combatants and the creation of an efficient national police service. The mission has already initiated discussions on the issue of arms trafficking with the group of experts established pursuant to Security Council resolution 1552 (2004). For its part, UNDP will seek to address the demand side, by linking the recovery of small arms to sustainable development.

20. The instability in some areas of the eastern part of the Democratic Republic of the Congo continues to contribute to increased tensions in Burundi. The massacre of Congolese Banyamulenge refugees on 13 August at a transit camp at Gatumba has been used by hard-line Tutsi elements to stoke fears of genocide, further raising tensions in Burundi (see paras. 47 and 48). In mid-October, roughly 3,000 Burundians, mostly from the Tutsi community, crossed into Rwanda citing fear of election-related violence, prompting UPRONA to accuse CNDD-FDD (Nkurunziza) of conducting a "terror campaign". At a meeting with my Special Representative on 7 October, the President of Rwanda, Paul Kagame, expressed concern about the arrival in Rwanda of those refugees. More than half have now returned, after visits by political leaders to reassure the population.

IV. Security sector reform and disarmament, demobilization and reintegration

Military integration

21. In order to accelerate the removal of arms and ex-combatants from pre-disarmament assembly areas, the integration camp at Tenga, Bujumbura Rurale Province, has begun the training of combatants to form joint security brigades, with the financial assistance of several Governments, including the Government of the Netherlands. On 23 September, 1,000 FAB and 800 CNDD-FDD (Nkurunziza) elements completed a month-long training programme, and have been deployed to replace FAB units in Bujumbura Rurale. These joint security units, however, are so far composed only of FAB and CNDD-FDD (Nkurunziza) combatants; the five smaller armed parties and political movements — CNDD (Nyangoma), FROLINA, FNL-Icanzo (formerly FNL (Alain Mugabarabona)), PALIPE-Agakiza and Kaze-FDD (formerly CNDD-FDD (Jean Bosco Ndayikengurukiye)) — have not yet begun

participating, pending an agreement with the Transitional Government on selection criteria and disarmament procedures.

22. ONUB continues to work through the Joint Ceasefire Commission to resolve these issues, and intends to dispatch a JCC joint liaison team of the Commission to monitor subsequent training sessions, as a confidence-building measure. Rather than continue operations in parallel to the disarmament, demobilization and reintegration process, it is envisaged that the integrated training at the Tenga camp would become a part of the national disarmament, demobilization and reintegration programme, once it becomes operational. The actual inclusion of the first of the combatants in a new national army is scheduled for early 2005, and an estimated 12,000 combatants are expected to be demobilized before elections in April.

23. On 29 October, the Council of Ministers adopted a decree, enlarging the *État Major général intégré* — in effect a national coordinating committee — of the Army, to include two representatives from each of the smaller armed parties and political movements. This national coordinating committee for the new military thus now has 43 members: 20 from FAB, 13 from CNDD-FDD and 10 from other armed parties and political movements. The Council of Ministers has also presented to Parliament a draft law which would reform the national defence and security forces, and bring them under a unified command structure; this has yet to be adopted, however.

Disarmament, demobilization, reintegration and reinsertion

24. The disarmament and demobilization of combatants has not yet commenced, owing to a lack of agreement on several outstanding issues. While the parties had agreed in principle on the need for the immediate integration of the armed forces, the Burundian Armed Forces continue to resist the confinement of their soldiers to barracks in accordance with the Arusha Agreement, citing the continuing threat posed by FNL (Rwasa). For the same reason, FAB have not submitted a list of troop deployments, nor indicated the numbers of heavy weaponry in their possession. Furthermore, the parties have yet to agree on a system for the harmonization of ranks, nor has the issue of direct integration into the national military services before disarmament been addressed. Additionally, the Government has yet to prepare an operational plan for the integration and reform of the military, or to indicate how it intends to cover the budget necessary to support this process. While progress on disarmament and demobilization has been slow, the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration has agreed to prioritize the demobilization of child soldiers, which is to be completed by the end of the year.

25. Despite these political problems, most of the technical preparations for the implementation of disarmament, demobilization and reintegration were completed. On 27 September, the Executive Secretariat established the three demobilization centres in Gitega, Bubanza and Muramvya and made arrangements for the provision of food and non-food items at the centres. The draft disarmament, demobilization and reintegration plan, which has been created by the Transitional Government and ONUB, calls for the establishment of two integration camps in each of the five military regions throughout the country. Combatants would be dispatched from the assembly areas to undergo training at one of the 10 camps, after being disarmed, registered, and vetted for recruitment into the national military. The Government of

China has agreed to provide tents and uniforms for the integration programme, and ONUB continues to work with the Transitional Government and the European Commission to finalize a budget to cover other operational aspects.

26. As at 18 October 2004, 20,979 members of the armed political parties and movements had been assembled in 12 pre-disarmament assembly areas throughout the country. ONUB monitors these areas regularly to prevent continued recruiting by the parties and to deter misuse of pre-disarmament food delivery, currently funded by the European Commission and the United Kingdom Department for International Development. All the parties, including FAB, have provided the Joint Ceasefire Commission with certified lists of their combatants, which are in the process of being verified by the joint liaison teams.

27. The United Nations system in Burundi, major international donors, and the World Bank Multi-Country Demobilization and Reintegration Programme are working closely with the Transitional Government on reintegration issues, and have developed a plan of action based on the United Nations development assistance framework, the poverty reduction strategy paper and the National Programme for the Rehabilitation of *Sinistrés* (war victims).

Police

28. On 30 September 2004, the Council of Ministers adopted a decree on the formation, organization and mandate of the National Burundian Police, and on 9 October sent to Parliament a law which would reorganize the Ministry of Public Security. On 28 October, the Parliament endorsed a presidential decree allowing CNDD (Nyangoma), FROLINA, FNL-Icanzo, PALIPE-Agakiza and Kaze-FDD to join the *État Major général intégré* of the police. An assessment of police structures, including the Gendarmerie, and of training centres, is being undertaken by mixed teams composed of members of the *État Major général intégré* of the police and the civilian police component of ONUB.

29. In order to effectively coordinate security for elections, the Minister for Public Security has established a National Electoral Security Council, and agreed to create an interim police force composed of 14,400 officers, with the financial and material support of the Governments of Belgium and the Netherlands.

V. Deployment of the Operation

30. As at 5 November 2004, the military strength of ONUB stood at 5,526, of the overall authorized strength of 5,650. The current strength includes 83 staff officers, 184 military observers deployed to 27 team sites, and infantry battalions from Pakistan (deployed to Cibitoké Province), Ethiopia (Gitega and Muyinga), Nepal (Bubanza and Ngozi), South Africa (Bujumbura Rurale), and Kenya (Makamba) and an infantry company from Mozambique (in Bujumbura).

31. Major operational activities of the ONUB military component have included monitoring the ceasefire arrangements, assisting with the investigation into the Gatumba massacre, monitoring the implementation of disarmament, demobilization and reintegration activities and escorting non-governmental organizations and food convoys to the assembly areas. ONUB units have been deployed close to the Mwaro and Muyinga refugee camps, which house over 2,000 Congolese. The military

component also undertakes aerial reconnaissance and maritime patrols, both for monitoring and confidence-building purposes. Procedures are also in place to support the disarmament process, once it begins.

32. The ONUB regional offices — staffed with personnel from the electoral, human rights, civilian police, civil affairs and public information components of the mission — have commenced work in Gitega, Makamba and Muyinga Provinces. ONUB offices in Bujumbura Rurale and Ngozi are expected to be operational within the next month. The presence of substantive ONUB staff in the regions will allow the United Nations to work closely with civil society and community leaders at the regional and local levels.

33. From the outset, my Special Representative has reinforced the "zero tolerance" approach to issues of undesirable behaviour by United Nations personnel. Any violation of the United Nations standards of conduct will lead to disciplinary measures, including the possibility of dismissal and repatriation, in accordance with appropriate disciplinary procedures. In order to address such issues throughout the United Nations system in Burundi, ONUB is coordinating a series of training workshops also targeting humanitarian personnel involved in food distribution to refugees and internally displaced persons.

34. Within ONUB, a code of conduct officer has been appointed at a senior level to receive complaints of any form of misconduct by members of ONUB and to take the lead in developing and implementing measures to prevent, identify and respond to all forms of misconduct. The mission has set up an internal standards of conduct task force to focus on prevention and identification of, and response to, misconduct, while conducting awareness-raising, training and deterrence activities.

35. Despite the mission's sustained efforts, the host country has not been in a position to provide premises free of charge which can adequately accommodate the ONUB offices and logistical and military components. It has therefore been necessary to lease commercial space. In the meantime, civilian operations in Bujumbura alone are currently conducted from four different locations, two of which are in the city centre and do not comply with established United Nations security standards. Furthermore, the existing premises do not provide sufficient space to house all components at the approved staffing levels. A decision has therefore been made to construct a containerized integrated mission headquarters at an open greenfield site, some two kilometres from the city centre.

36. In accordance with paragraph 10 of Security Council resolution 1545 (2004), the Secretariat has been negotiating with the Transitional Government to conclude a status-of-forces agreement for ONUB. On 11 October, the Transitional Government submitted to the United Nations its comments on the draft agreement. A response has been sent by the Secretariat following a review of the comments.

VI. Human rights, rule of law and gender

37. During the reporting period, the United Nations continued to receive allegations of violations perpetrated by FAB, CNDD-FDD (Nkurunziza) and FNL (Rwasa), including extrajudicial execution and disappearance, excessive use of force, sexual violence, torture and ill-treatment of detainees, arbitrary and illegal arrest, extortion, intimidation and looting of property.

38. As detailed in my last report (S/2004/682), the continuing operation of parallel administration and justice systems established by former CNDD-FDD combatants is a source of concern. ONUB continues to receive almost daily reports of arbitrary or illegal arrests of civilians by CNDD-FDD personnel. Those arrested are held in illegal detention centres within military camps in very poor conditions, suffer ill-treatment and sometimes torture, and appear to be released only after having made monetary payments. In one such incident, a victim stated that he had been arrested four times, and on each occasion forced to pay for his release.

39. Between August and October, ONUB carried out assessments of 6 of the 11 prisons in Burundi, and concluded that the country's prisons are seriously overcrowded, with a population of approximately 7,900 in facilities built to house 3,650. Nearly 60 per cent of prisoners were awaiting trial, some for up to six years, and others were eligible to be released on parole. Among the prison population were political prisoners who had been arrested for associating with an armed political movement. As a result of internal disagreement, the Transitional Government has not yet been able to decide on the definition of a political prisoner, which prevents the release of a large number of pre-trial detainees.

40. In mid-September, ONUB received reports of mass graves with as many as 100 bodies in three locations in Mutambu commune, Bujumbura Rurale. FNL (Rwasa) had been active in the area until CNDD-FDD forces assumed control early in September 2004. Access has been prevented because of security concerns and discouraged by FAB and CNDD-FDD forces.

41. On 16 September, some 44 homes were burned down in Gatare, in Kirundo Province, by FAB soldiers acting on the orders of the provincial Governor. Civilian authorities claimed to have given the occupants notice to leave as they were occupying State land. An investigation into the incident was initiated by the Minister for Human Rights and the parliamentary Human Rights Commission.

42. Five persons were lynched in Gitega Province in mid-August following rumours that Tutsis were murdering Hutus with poisoned injections to prevent them from voting in the forthcoming elections. In each case the individuals were killed after being denounced by an alleged "victim". No evidence has been found to support the accusations, and 11 people have been arrested in connection with these crimes. Further, four persons accused of sorcery were lynched in Cibitoké Province, Mugina commune, in October. These incidents continue a disturbing trend I referred to in my previous report, noting the re-emergence of a pattern of violence directed towards alleged sorcerers and witches, who, in some cases, were beaten and burned to death.

43. Reports of sexual and gender-based violence continue to be received, including the rape of minors. Following nationwide education campaigns, more victims are coming forward, and both national and international networks are being established to provide assistance to victims and their families. Impunity in these cases remains a serious problem as the judicial system is neither trained nor equipped to deal appropriately with the victims of sexual violence or the alleged perpetrators.

44. The efforts of ONUB in gender mainstreaming have been focusing on women's political participation and cooperation with the Ministry of Women's Welfare, including local and international non-governmental organizations. A

network is now in place which includes all stakeholders, to aid in the consideration of gender concerns during the drafting of key legislation for the post-transition period.

45. Within the mission, a gender task force has been established with focal points from each section. Training on gender mainstreaming and on the special needs of women in post-conflict situations has been delivered to all sections and continues for all new arrivals. Special sessions have been held for female military and police staff to enhance awareness of key issues relating to the gender aspects of the mission's mandate. Advocacy tools and an outreach network include working with the public information section to develop and broadcast radio programmes on gender and peace-building.

46. The Independent Expert on the situation of human rights in Burundi, Akich Okola, appointed by the Commission on Human Rights in July 2004, carried out an assessment mission to Burundi from 4 to 13 October 2004. The expert held consultations with a wide cross-section of government and non-governmental actors and will report to the Commission at its sixty-first session.

The Gatumba massacre

47. As requested by the Security Council by its presidential statement of 15 August 2004 (S/PRST/2004/30), ONUB, the United Nations Organization Mission in the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Human Rights conducted a joint investigation into the massacre on 13 August of 152 Congolese refugees at the Gatumba refugee camp, located close to the border with the Democratic Republic of the Congo. The results of the investigation were transmitted to the Council by my letter to the President of the Council dated 15 October (S/2004/821).

48. Despite extensive investigation, there is no clear evidence of who organized, carried out and financed that gross atrocity. The FNL (Rwasa) claim of responsibility has been supported by witness statements and led United Nations investigators to believe that the group did, indeed, participate in the attack. There is however, a strong indication that FNL (Rwasa) did not act alone. Unfortunately, the dearth of verifiable information and limited cooperation by the Burundian authorities hampered the formulation of a definitive report. A national investigation is still ongoing.

VII. Public information

49. The public information component of ONUB commenced production of weekly bilingual radio broadcasts on 23 October 2004 that are disseminated by five public and private broadcasters, with coverage to over 90 per cent of the country. Outreach programmes to support the electoral programme of the National Independent Electoral Commission will also soon commence. A weekly news conference provides the Burundian media with mission activities, and a weekly newsletter keeps ONUB local and international staff informed of relevant developments. Work is ongoing in support of electoral activities, including the printing and dissemination of the post-transition constitution prior to the referendum on its adoption, and a special election magazine planned for mid-November.

VIII. Humanitarian situation

50. The humanitarian situation in Burundi remains precarious, but there have been gradual improvements across the board over recent months. The improvement has, more recently, occurred in parallel with a reduction in overall conflict throughout the country and permitted some 90,000 refugees to return home to Burundi from the United Republic of Tanzania since the beginning of the year, almost double the number of returnees registered from that country in 2003. However, the number of returns to Burundi dropped considerably in the last month, from 9,681 in August and 6,700 in September to 1,378 in October.

51. It is estimated that 35,000 civilians have been displaced recently as a result of the continued fighting in Bujumbura Rurale, the majority of them in the communes of Kabezi, Mutambu and Muhuta and the Kanyosha area south of Bujumbura. Reports obtained from among the displaced populations indicate that land and property destruction in the areas of origin are extensive. Households and crops have been looted and destroyed and, as the displacement has extended in time, many families have been unable to tend to their lands. FAB/CNDD-FDD operational procedures have focused on targeting the population generally presumed to be FNL supporters, and the provision of humanitarian assistance has been increasingly affected by looting after aid distributions. While this problem is not new, looting has become a common practice in the past months, especially in areas of CNDD-FDD deployment.

52. Because of the precarious situation in some areas of the country, particularly in Bujumbura Rurale, Cibitoké and Bubanza Provinces, the protection of civilian populations, especially in the southern communes of Mutambu, Kabezi and Muhuta, has remained a core concern. As a direct result of military actions between FAB/CNDD-FDD and FNL (Rwasa), approximately 30,000 people remain displaced, living under precarious makeshift conditions. Joint actions by United Nations agencies, non-governmental organizations and the Office for the Coordination of Humanitarian Affairs have sought to ensure close monitoring of protection issues and the provision of relief. Although there are now fewer cases of food shortages and malnutrition in Burundi, the World Food Programme has warned that the food security situation remains threatened.

53. During the months of September and October, some 2,200 Congolese refugees returned from Burundi to South Kivu Province in the Democratic Republic of the Congo. An additional 10,800 refugees are estimated to have returned spontaneously to the Democratic Republic of the Congo from the Rugombo and Karurama transit camps in Cibitoké Province, and another 1,346 Congolese refugees crossed into Rwanda during the same period. The returns from Burundi, initiated by representatives of the Banyamulenge community in Burundi, occurred while uncertain security conditions prevailed in South Kivu. While UNHCR therefore sought to discourage refugees from returning, it also established a presence in Uvira and deployed an emergency team to coordinate assistance and to establish a mechanism for the monitoring of the returnees.

54. The Government of Burundi has strengthened the physical protection of camp sites in Mwaro and Muyinga, in collaboration with UNHCR and ONUB. It is estimated that 11,500 Congolese refugees remain in Burundi. Of these, refugees who arrived following the fighting in the Democratic Republic of the Congo in

May/June account for 1,800 in Mwaro refugee camp and 420 in Gasorwe, in Muyinga Province.

55. The humanitarian community in Burundi completed the preparation of the 2005 common humanitarian action plan, which has served as the basis for the elaboration of the 2005 Consolidated Inter-Agency Appeal. In line with the findings of a series of assessments conducted by United Nations agencies, non-governmental organizations and the International Committee of the Red Cross (ICRC), priorities for humanitarian programmes focus on three main areas: strengthening equal access to basic services, enhanced food security at the household level and support to community reintegration in the context of internally displaced and refugee return movements.

IX. Mine action

56. Collaboration with United Nations agencies and partners involved in mine action has begun in earnest, and preparations are in place for a series of 10 mine action projects scheduled for 2005 and included in the common humanitarian action plan. These include supporting the effective integration of humanitarian assistance operations through strategic mine clearance, surveying and demarcation to support the operations of the peacekeeping force, working with the demining non-governmental organizations, and assisting the national mine action coordination authority in the development of a national management capacity and the establishment of an indigenous and sustainable mine action programme in Burundi. The Mine Action Coordination Centre has been assisting UNICEF in the provision of landmine safety training since July 2004 and has trained 200 ONUB military or civilian staff and humanitarian aid workers to date.

X. Economic situation

57. Citing the progress made in the peace process, on 27 October 2004, the African Development Bank classified Burundi as a "post-conflict country" and announced that it would clear 35 per cent of Burundi's arrears. This measure allows for resumed operations of the Bank in Burundi and facilitates access by the country to other multilateral establishments. The International Monetary Fund and the World Bank have similarly classified Burundi as a post-conflict country.

XI. Financial aspects

58. The General Assembly, by its resolution 59/15 of 29 October 2004, appropriated an amount of $329.7 million for the maintenance of ONUB for the 2004/05 financial period, inclusive of the amount of $106.3 million previously authorized for the Operation in its resolution 58/312 of 18 June 2004.

59. As at 31 October 2004, unpaid assessed contributions to the special account for ONUB amounted to $53.6 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,391.9 million.

XII. Observations

60. In recent months, steady progress has been observed in the peace process, especially with regard to the peaceful extension of the transition and the establishment of a clear electoral calendar, which was a result of concerted national and international efforts. I welcome the unity of vision through which the Burundian parties averted a constitutional crisis. Major political and social tensions in the country remain, however, fuelled by continuing mistrust between the parties. It is therefore imperative to urgently address the outstanding tasks of the transition, so as to avoid any further delays beyond the current extension. I call on the political and military leaders to take advantage of the extension and resolve those outstanding matters.

61. In particular, key legislation remains to be adopted, including the electoral code and the communal law, and the laws on the reform of the armed forces and the police. Disarmament of armed groups must proceed without delay, so as to allow them to register as political parties and meaningful military integration should be accomplished as soon as possible. The issue of FNL (Rwasa) and its potential to disrupt the electoral process must be carefully assessed and addressed.

62. However, any progress in the implementation of the Arusha Agreement should not be held hostage by either the sectarian or the individual interests of party leaders, both of which have characterized the Burundian peace process to date. At the same time, without prejudice to the need for justice and accountability, it would also be important to maintain the inclusiveness of the process, with sufficient political guarantees for all major sectors of Burundian society, reflecting the spirit of the Arusha Agreement. It would be tragic if the Burundian parties were to undermine the progress and confidence-building achieved so far by recklessly pursuing a winner-takes-all strategy.

63. I remain very concerned about the extent of human rights violations in Burundi. The culture of impunity, which has contributed to the nature of the conflict in the country, must be addressed decisively, in order to lay the foundation of a lasting peace in the country. Burundi's national judicial capacity must be enhanced, to allow it to address the many egregious crimes that continue to be committed.

64. The Gatumba massacre of August 2004 vividly highlighted the interlinkages between the conflict in Burundi and that of the Democratic Republic of the Congo. Continuing inflows and outflows of refugees throughout the Great Lakes region also demonstrate the need to urgently engender regional cooperation. To this end, I welcome the forthcoming summit of the International Conference on the Great Lakes Region, which is to be held at Dar es Salaam on 19 and 20 November, and which will provide a comprehensive framework where cross-cutting issues affecting the countries of the region will be discussed.

65. At the same time, I urge the international community to maintain a unity of vision in helping to advance the Burundian peace process. A strong donor response to humanitarian and other pressing appeals would help to stabilize communities and the country as a whole at a time of increased returns of refugees and internally displaced persons, the beginning of the disarmament and integration of the armed forces leading to the elections. So far, the disbursement of pledged support has been slow in Burundi, and I strongly call on all donors to act decisively.

66. Having made major political achievements in the last six months, especially since the deployment of ONUB, Burundi finds itself at the beginning of a dynamic but potentially volatile electoral process. In the light of the progress made thus far, and in view of the remaining priorities of the transition, I recommend that the mandate of ONUB be extended for an additional six months, until 31 May 2005. At that time, I hope to be able to report to the Security Council on the results of the electoral process and, as requested in its resolution 1545 (2004), assess the configuration of the military component with a view to its possible adjustment, taking account of the progress made on the ground and the tasks remaining to be accomplished by the mission.

67. In conclusion, I would like to thank the Heads of State of the Regional Initiative, particularly the Chairman, and the Facilitation for their continued efforts to keep the transitional process firmly on track. I would also like to express my sincere appreciation to all men and women of ONUB, who, under the leadership of my Special Representative, work tirelessly to ensure that peace will soon be at hand in Burundi. Equally, my appreciation goes to the staff of the United Nations system and the many bilateral and multilateral donors, in particular the European Commission and the international financial institutions, who not only contribute materially to the peace process but ensure that progress is made.

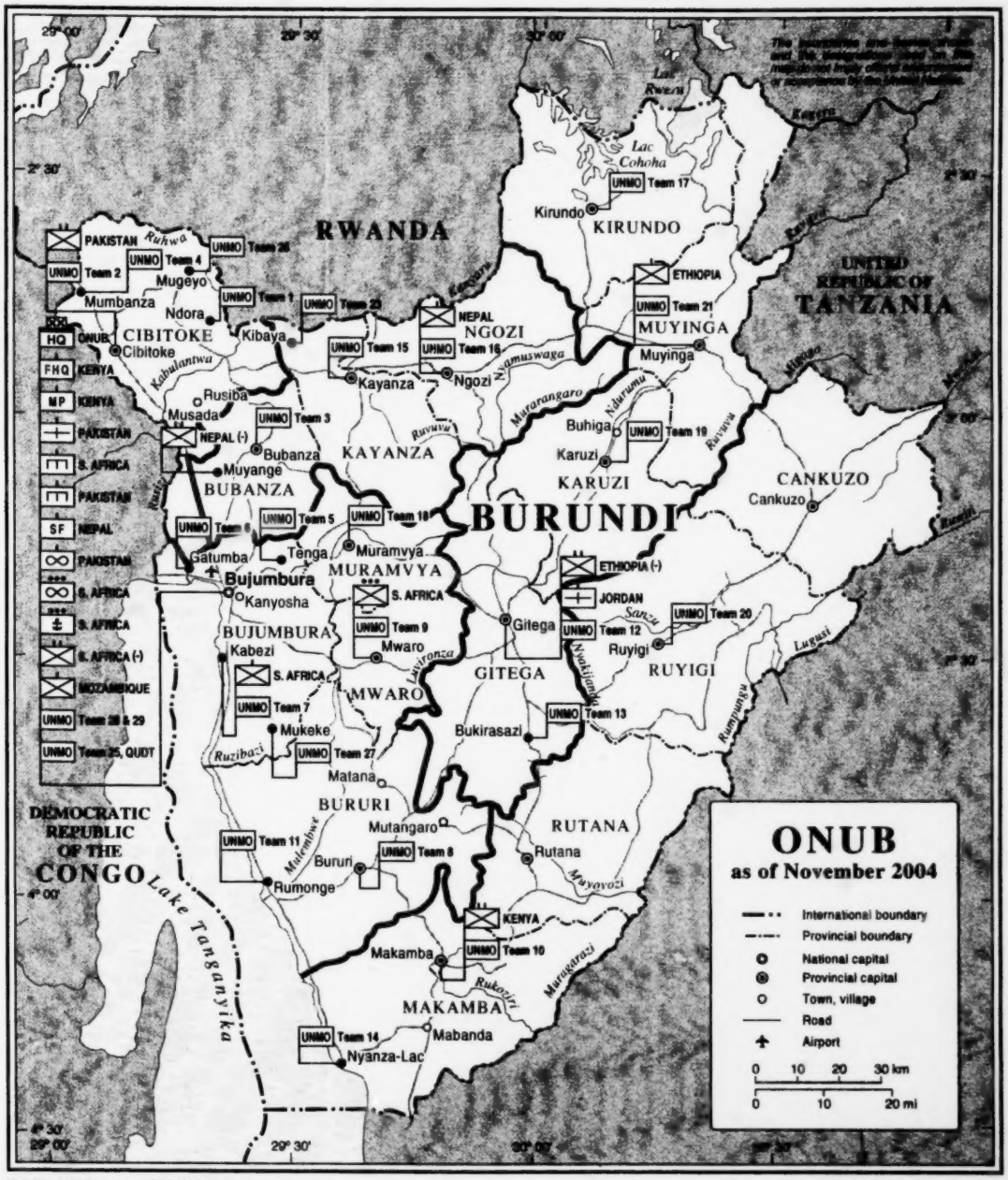
Annex

United Nations Operation in Burundi: military and civilian police strengths as at 5 November 2004

Country	*Military observers*	*Staff officers*	*Troops*	*Total*	*Police officers*
Bangladesh	2			2	
Belgium	2			2	
Benin	4			4	5
Bolivia	3			3	
Burkina Faso	14	2		16	12
Cameroon					10
Chad	8			8	4
China	3			3	
Egypt	2			2	
Côte d'Ivoire					2
Ethiopia	5	9	850	864	
Gabon	6			6	
Gambia	2			2	
Ghana	2			2	
Guatemala	3			3	
Guinea	2			2	1
India	2	4		6	
Jordan	5	2	75	82	
Kenya	2	3	986	991	
Madagascar					1
Malawi	3			3	
Malaysia	3			3	
Mali	19	2		21	15
Mozambique	3	4	223	230	
Namibia	3			3	
Nepal	3	10	927	940	
Netherlands		1		1	
Niger	2			2	7
Nigeria	5			5	1
Pakistan	5	11	1 182	1 198	
Paraguay	3			3	
Peru	3			3	
Philippines	3			3	
Portugal	2			2	
Republic of Korea	2			2	
Romania	5			5	

Country	*Military observers*	*Staff officers*	*Troops*	*Total*	*Police officers*
Russian Federation	8			8	
Senegal	5	6		11	11
Serbia and Montenegro	2			2	
South Africa	4	22	1 016	1 042	
Spain		1		1	
Sri Lanka	2			2	
Togo	13	3		16	
Tunisia	11	3		14	
Turkey					1
Uruguay	3			3	
Yemen	3			3	
Zambia	2			2	
Total	**184**	**83**	**5 259**	**5 526**	**70**

Note: The police officers are the 42 members of the United Nations civilian police currently deployed in Burundi.



Map No. 4222 Rev. 1 UNITED NATIONS
November 2004

Department of Peacekeeping Operations
Cartographic Section

United Nations S/2004/903

Security Council

Distr.: General
19 November 2004

Original: English

Draft resolution

The Security Council,

Recalling its resolutions 1547 (2004) of 11 June 2004, 1556 (2004) of 30 July 2004 and 1564 (2004) of 18 September 2004 and the statements of its President concerning Sudan,

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and *recalling* the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Reaffirming also its support for the Machakos Protocol of 20 July 2002 and subsequent agreements based on this protocol,

Expressing its determination to help the people of Sudan to promote national reconciliation, lasting peace and stability, and to build a prosperous and united Sudan in which human rights are respected and the protection of all citizens is assured,

Recalling that it welcomed the signature of the Declaration on 5 June 2004 in Nairobi, Kenya, in which the parties confirmed their agreement to the six protocols signed between the Government of Sudan and the Sudan People's Liberation Movement/Army, and reconfirmed their commitment to completing the remaining stages of negotiations,

Commending again the work and continued support of the Intergovernmental Authority on Development (IGAD), in particular the Government of Kenya as Chair of the Sub-Committee on Sudan, in facilitating the peace talks in Nairobi, *recognizing* the efforts of the Civilian Protection Monitoring Team, the Joint Military Commission in the Nuba Mountains and the Verification and Monitoring Team supporting the peace process, and *expressing* its hope that IGAD will continue to play a vital role during the transitional period,

Encouraging the parties to conclude speedily a Comprehensive Peace Agreement, and stressing the need for the international community, once such an agreement has been signed and implementation begins, to provide assistance towards its implementation,

Emphasizing that progress towards resolution of the conflict in Darfur would create conditions conducive for delivery of such assistance,

04-61695 (E) 191104

Expressing its serious concern at the growing insecurity and violence in Darfur, the dire humanitarian situation, continued violations of human rights and repeated breaches of the ceasefire, and *reiterating* in this regard the obligation of all parties to implement the commitments, referred to in its previous resolutions on Sudan,

Condemning all acts of violence and violations of human rights and international humanitarian law by all parties, and *emphasizing* the need for perpetrators of all such crimes to be brought to justice without delay,

Recalling in this regard that all parties, including the Sudanese rebel groups such as the Justice and Equality Movement and the Sudanese Liberation Army, must respect human rights and international humanitarian law, and *also recalling* the primary responsibility of the Sudanese Government to protect its population within its territory and to maintain law and order, while respecting human rights,

Stressing the importance of further progress towards resolving the crisis in Darfur, *welcoming* the vital and wide-ranging role being played by the African Union towards that end, and *welcoming* the Government of Sudan's decision in favour of the expansion of the African Union Mission,

Taking note of the Secretary-General's reports of 28 September 2004 (S/2004/763) and 2 November 2004 (S/2004/881),

Deeply concerned by the situation in Sudan and its implications for international peace and security and stability in the region,

1. *Declares* its strong support for the efforts of the Government of Sudan and the Sudan People's Liberation Movement/Army to reach a Comprehensive Peace Agreement, *encourages* the parties to redouble their efforts, *welcomes* the signing of the Memorandum of Understanding in Nairobi on 19 November 2004 entitled "Declaration on the conclusion of IGAD negotiations on peace in the Sudan", attached to this resolution, and the agreement that the six protocols referred to in the Nairobi Declaration of 5 June 2004 constitute and form the core Peace Agreement, and *strongly endorses* the parties' commitment to reach a final comprehensive agreement by 31 December 2004 and *expects* that it will be fully and transparently implemented, with the appropriate international monitoring;

2. *Declares* its commitment, upon conclusion of a Comprehensive Peace Agreement, to assist the people of Sudan in their efforts to establish a peaceful, united and prosperous nation, on the understanding that the parties are fulfilling all their commitments, including those agreed in Abuja, Nigeria and Ndjamena, Chad;

3. *Urges* the Joint Assessment Mission of the United Nations, the World Bank and the parties, in association with other bilateral and multilateral donors, to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of Sudan, including official development assistance, possible debt relief and trade access, to be implemented once a Comprehensive Peace Agreement has been signed and its implementation begins;

4. *Welcomes* the initiative of the Government of Norway to convene an international donors' conference for the reconstruction and economic development of Sudan upon the signing of a Comprehensive Peace Agreement;

5. *Welcomes* the continued operations of the Joint Military Commission, the Civilian Protection Monitoring Team, and the Verification and Monitoring Team, in anticipation of the implementation of a Comprehensive Peace Agreement and the establishment of a United Nations peace support operation;

6. *Reiterates* its readiness, upon the signature of a Comprehensive Peace Agreement, to consider establishing a United Nations peace support operation to support the implementation of that agreement, and *reiterates* its request to the Secretary-General to submit to the Council, as soon as possible after the signing of a Comprehensive Peace Agreement, recommendations for the size, structure, mandate of such an operation, including also a timetable for its deployment;

7. *Welcomes* the preparatory work already carried out by the United Nations Advance Mission in Sudan (UNAMIS), established by its resolution 1547 (2004), *endorses* the proposals in the Secretary-General's reports of 28 September 2004 and 2 November 2004 to increase its staffing, *extends* the mandate of UNAMIS by a further three months until 10 March 2005, and *calls on* the Sudan People's Liberation Movement/Army to commit to full cooperation with UNAMIS;

8. *Calls on* all countries in the region to do their utmost to support actively the full and timely implementation of a Comprehensive Peace Agreement;

9. *Emphasizes* that a Comprehensive Peace Agreement will contribute towards sustainable peace and stability throughout Sudan and to the efforts to address the crisis in Darfur, and *underlines* the need for a national and inclusive approach, including the role of women, towards reconciliation and peace-building;

10. *Underlines* the importance of progress in peace talks in Abuja between the Government of Sudan and the Sudanese Liberation Army and the Justice and Equality Movement towards resolving the crisis in Darfur, *insists* that all parties to the Abuja peace talks negotiate in good faith to reach agreement speedily, *welcomes* the signature of the Humanitarian and Security Protocols on 9 November 2004, *urges* the parties to implement these rapidly, and looks forward to the early signature of a Declaration of Principles with a view to a political settlement;

11. *Demands* that Government and rebel forces and all other armed groups immediately cease all violence and attacks, including abduction, refrain from forcible relocation of civilians, cooperate with international humanitarian relief and monitoring efforts, ensure that their members comply with international humanitarian law, facilitate the safety and security of humanitarian staff, and reinforce throughout their ranks their agreements to allow unhindered access and passage by humanitarian agencies and those in their employ, in accordance with its resolution 1502 (2003) of 26 August 2003 on the access of humanitarian workers to populations in need and with the Abuja Protocols of 9 November 2004;

12. In accordance with its previous resolutions on Sudan, *decides* to monitor compliance by the parties with their obligations in that regard and, subject to a further decision of the Council, to take appropriate action against any party failing to fulfil its commitments;

13. *Strongly supports* the decisions of the African Union to increase its mission in Darfur to 3,320 personnel and to enhance its mandate to include the tasks listed in paragraph 6 of the African Union Peace and Security Council's Communiqué of 20 October 2004, *urges* Member States to provide the required

equipment, logistical, financial, material, and other necessary resources, and *urges* the Government of Sudan and all rebel groups in Darfur to cooperate fully with the African Union;

14. *Reiterates* its call on Member States to provide urgent and generous contributions to the humanitarian efforts under way in Sudan and Chad;

15. *Calls on* all parties to cooperate fully with the International Commission of Inquiry established by the Secretary-General, as described in his letter of 4 October 2004 to the President of the Security Council (S/2004/812), the outcome of which will be communicated to the Security Council;

16. *Reiterates* the importance of deploying more human rights monitors to Darfur;

17. *Requests* the Secretary-General to keep it regularly informed of developments in Sudan, and to make any recommendations for action to ensure implementation of this resolution and its previous resolutions on Sudan;

18. *Decides* to remain seized of the matter.

Annex

DECLARATION ON THE CONCLUSION OF IGAD NEGOTIATIONS ON PEACE IN THE SUDAN

Gigiri, Nairobi: ***Friday, 19th November, 2004***

WHEREAS the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Army (the Parties) reconfirmed in the Nairobi Declaration of 5th June, 2004 on the Final Phase of the IGAD led negotiations on Peace in the Sudan, their agreement on the six texts, including the Machakos Protocol as well as the texts relating to Power Sharing, Wealth Sharing, Security Arrangements, and resolution of the Conflict in Southern Kordofan/Nuba Mountains, Blue Nile, and Abyei Area;

WHEREAS the Parties in a Joint Press Statement on October 16, 2004, "recommitted themselves to finalize and conclude the Comprehensive Peace Agreement in recognition that prompt completion of the Peace Process is essential for all the people of the Sudan as it will help in resolving all challenges facing the country";

ACKNOWLEDGING the progress made to date on the Security Arrangements and Ceasefire Details including the extensive work that has been accomplished in the Implementation Modalities annexes; and

DECLARING that the conclusion of the IGAD led initiative is central to a comprehensive Peace Agreement in the Sudan including the resolution of the Conflict in Darfur;

NOW HEREBY THE PARTIES AFFIRM that the six Protocols referred to in the Nairobi Declaration of 5th June, 2004, constitute and form the core Peace Agreement and therefore invite the UN Security Council in this its Nairobi sitting to pass a resolution endorsing the six Protocols.

FURTHER the Parties declare their commitment to expeditiously complete Negotiations on the two annexes on Ceasefire Agreement and Implementation Modalities so as to conclude and sign the Comprehensive Peace Agreement no later than 31st December, 2004.

(*Signed*)

Hon. Yahya Hussein Babikar
For the Government
Of the Republic of the Sudan

(*Signed*)

Cdr. Nhial Deng Nhial
For the Sudan People's
Liberation Movement/Army

Witnessed By:

(*Signed*)

Lt. Gen. Lazaro K. Sumbeiywo (Rtd.)
On Behalf of the IGAD Envoys

(*Signed*)

Dr. Jan Pronk
Special Representative of the Secretary-General
of the United Nations

In the Presence of:
The United Nations Security Council.

(*Signed*)

Ambassador Abdallah Baali
Permanent Representative of Algeria
to the United Nations

(*Signed*)

Ambassador Joel Adechi
Permanent Representative of Benin
to the United Nations

(*Signed*)

Ambassador Heraldo Muñoz
Permanent Representative of Chile
to the United Nations

(*Signed*)

Ambassador Jean-Marc de La Sablière
Permanent Representative of France
to the United Nations

(*Signed*)

Ambassador Ismael Gaspar Martins
Permanent Representative of Angola
to the United Nations

(*Signed*)

Ambassador Ronaldo Sardenberg
Permanent Representative of Brazil
to the United Nations

(*Signed*)

Ambassador Wang Guangya
Permanent Representative of China
to the United Nations

(*Signed*)

Ambassador Gunter Pleuger
Permanent Representative of Germany
to the United Nations

(*Signed*)

Ambassador Munir Akram
Permanent Representative of Pakistan
to the United Nations

(*Signed*)

Ambassador Lauro Baja, Jr.
Permanent Representative of the Philippines
to the United Nations

(*Signed*)

Ambassador Mihnea Motoc
Permanent Representative of Romania
to the United Nations

(*Signed*)

Ambassador Andrey Denisov
Permanent Representative of the Russian Federation
to the United Nations

(*Signed*)

Ambassador Juan Antonio Yáñez-Barnuevo
Permanent Representative of Spain
to the United Nations

(*Signed*)

Ambassador Emyr Jones Parry
Permanent Representative of the United Kingdom
to the United Nations

(*Signed*)

Ambassador John Danforth
Permanent Representative of the United States
to the United Nations

United Nations S/2004/904

Security Council

Distr.: General
16 November 2004

Original: English

Letter dated 11 November 2004 from the Secretary-General addressed to the President of the Security Council

The mandate of my Special Representative for the Great Lakes Region, Ibrahima Fall, will expire on 31 December 2004.

Since his appointment, Mr. Fall has pursued his efforts to help the core countries organize the international conference on the Great Lakes region. After launching the preparatory process in June 2003 in Nairobi, major progress has been made towards the convening of the conference under the auspices of the United Nations and the African Union. The first summit of heads of State is scheduled to take place from 19 to 20 November 2004 in Dar-es-Salaam. Its objective is to adopt a declaration of principles on the consolidation of security, stability and development in the Great Lakes region. It is expected that, following the first summit, a standing inter-ministerial committee will be tasked with transforming the principles and directives of the declaration into concrete plans of action for adoption at the second summit, scheduled for 2005 in Nairobi.

In view of the above, it is my intention to extend the mandate of my Special Representative for the Great Lakes Region until 31 December 2005. I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-61167 (E) 171104

United Nations S/2004/905

Security Council

Distr.: General
16 November 2004

Original: English

Letter dated 16 November 2004 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 11 November 2004 (S/2004/904) concerning the international conference on the Great Lakes region and your intention to extend until 31 December 2005 the mandate of your Special Representative for the region, Ibrahima Fall, which will expire on 31 December 2004, has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) John C. **Danforth**
President of the Security Council

04-61173 (E) 171104

United Nations A/59/571–S/2004/906

General Assembly
Security Council

Distr.: General
17 November 2004

Original: English

General Assembly
Fifty-ninth session
Agenda items 36 and 148

Security Council
Fifty-ninth year

The situation in the Middle East

Measures to eliminate international terrorism

Letter dated 17 November 2004 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest violations of the Blue Line from Lebanese territory. On the evening of 15 November 2004, two Katyusha rockets were fired from within Lebanon at Israeli territory. One of them landed near the northern Israeli town of Shlomi.

This incident is the most recent in a series of wilful unprovoked attacks carried out against Israel by terrorist organizations, which operate freely from Lebanese jurisdiction, and with Syrian and Iranian sponsorship.

In May 2000, Israel withdrew completely from Lebanon, in full and confirmed compliance with Security Council resolution 425 (1978). Since that time, these acts of aggression against Israelis have continued, enabled by the complicity of the Government of Lebanon, and with the support of the Syrian and Iranian regimes that have long sponsored, trained and financed these terrorist groups. Such actions represent a direct negation of obligations under international law and the provisions of Security Council resolutions, including resolutions 425 (1978), 426 (1978), 1310 (2000), 1337 (2001), 1373 (2001), 1553 (2004) and 1566 (2004). The failure of the Government of Lebanon to restore peace and security, ensure the return of its effective authority and prevent cross-border attacks from its territory, in grave violation of these obligations, is the direct cause of instability in the area.

Lebanon, as well as other terrorist-sponsoring regimes in the region, are not absolved of their legal obligations to fight terrorism, like any other State, as part of the global campaign against international terrorism. Were it not for the terrorism and its support infrastructure that operates with impunity from, and with the blessing and direct support of, these regimes, in violation of the most basic legal norms and explicit Security Council resolutions, Israeli measures of defence would be unnecessary. Israel once again calls upon the international community to expect nothing less than full compliance.

04-61287 (E) 171104

I should be grateful if you could arrange to have the text of this letter circulated as an official document of the fifty-ninth session of the General Assembly, under agenda items 148, and 36, and of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative

United Nations S/2004/907

Security Council

Distr.: General
17 November 2004

Original: English

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999) of 10 June 1999, by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of the mandate. It covers the activities of UNMIK and developments in Kosovo, Serbia and Montenegro, from 16 July to 31 October 2004.

II. Political assessment

2. My Special Representative, Søren Jessen-Petersen, who assumed his responsibilities on 16 August 2004, has provided a technical assessment of progress against the standards agreed for Kosovo, which is annexed to the present report. His findings show that some tangible and encouraging progress has been made in specific areas, but that concrete progress so far has been uneven and limited, and that the standards have not yet been met. A concerted effort will be essential to maximize the chances for a positive outcome to the comprehensive review of the progress made in the implementation of the standards, envisaged for mid-2005.

3. At the same time, it does appear that, six months after the wave of violence targeting the Kosovo Serb and Ashkali communities, as well as UNMIK and the Kosovo Force (KFOR), Kosovo is getting back on track in regard to fulfilling the standards. The Provisional Institutions of Self-Government have focused again on the standards that the international community has set out for Kosovo and the steps required to achieve them, and have taken an increasingly active role in their implementation.

4. The progress achieved in some areas following the March violence has been tangible and encouraging. Many of the damaged and destroyed houses have been rebuilt or are under reconstruction, the schools have been rebuilt and some start-up assistance payments have been made. There has also been continuing progress in investigating, arresting and prosecuting those responsible for the violence. The declining trend in crimes against members of minority communities resumed after the events in March. The encouraging progress made following the establishment of

a committee, chaired by the Council of Europe, to supervise the reconstruction of religious sites has stalled, owing to objections from the Serbian Orthodox Church.

5. There has been progress in the area of reform of local government, which is of major importance in safeguarding the vital interests of minority communities, in particular Kosovo Serbs. A framework document on local government reform was prepared by a joint UNMIK-Provisional Institutions working group on local government, and was subsequently endorsed in principle by the Provisional Institutions. Now the challenge is to proceed with the finalization and implementation of the document in a dialogue with and with the support of all communities, notably the Kosovo Serbs, with pilot projects as the first step. Enriching the document, including through continuing consultations with Belgrade, will help to move the local government reform process forward.

6. The elections for the Kosovo Assembly, held on 23 October, were an important further step in the consolidation of the Kosovo Provisional Institutions and the process of stabilization and normalization. The fact that the elections were held in a peaceful manner, and that they were judged to be free and fair and procedurally sound, was certainly a major step forward. However, the non-participation of Kosovo Serbs was a disappointing outcome, although not surprising given the short time available for campaigning, the difficult living conditions that Kosovo Serbs find themselves in and the conflicting positions in Belgrade.

7. Despite these important steps forward, the lack of progress in key areas, such as return and reconciliation efforts, security conditions and freedom of movement for the Kosovo minorities, in particular Kosovo Serbs, remains cause for concern. Significantly, satisfactory progress has been achieved on only two of the six priority actions contained in the returns and rights of communities standard of the Kosovo Standards Implementation Plan, which was revised following the violence in March. So far, funding for the March reconstruction programme has been sufficient, although a €2 million advance from the returns fund has not yet been replenished. Substantial efforts have been made to reconstruct property damaged or destroyed in March, but the programme is not yet complete and significant gaps remain in the reconstruction of secondary buildings and in assistance for replacement of furniture and household items. Although authorities of the Provisional Institutions, notably the Prime Minister of Kosovo, Bajram Rexhepi, have engaged in a broader range of outreach activities to ethnic communities in recent months, a systematic, properly resourced programme for outreach, including mid- to long-term reconciliation and inter-ethnic dialogue, is not yet in place. Neither Provisional Institutions nor party leaders conducted investigations of the role of the public authorities who contributed to the violence in March, or who failed to exercise their authority properly during that period. Provisional Institutions and party leaders have not publicly condemned the media reports that contributed to ethnic violence.

8. The security of the Kosovo minority groups, in particular Kosovo Serbs, remains precarious. There continue to be substantial limitations on their freedom of movement. In some regions, Kosovo Serbs travel through areas in which there is a Kosovo Albanian majority only with escorts or through special transport services, while in other areas they use vehicles with KS license plates to undertake routine travel, while requesting escorts for more high-profile trips. The rate of returns following the March events has been significantly reduced, and the safety and sustainability of these returns remain fragile. Because of the March events, more

members of minority communities have been displaced in 2004 than have been able to return to their homes. Furthermore, the meaningful participation of minority communities, in particular Kosovo Serbs, in the Provisional Institutions has not improved despite initiatives taken in this regard.

UNMIK priorities

9. In the light of the above, my Special Representative has outlined his set of priorities for the near future. First and foremost, achieving progress on the eight standards remains the basic policy framework of UNMIK. The need to prioritize actions within each standard is essential in order to ensure the sustained action needed to deal with the consequences of the March events and in order to establish the institutions and secure the active engagement of the Kosovo leaders and people for creating a multi-ethnic society.

10. Engagement by both the Provisional Institutions and the Kosovo Serb and other minority communities in the Kosovo Security Advisory Group and local crime prevention councils presents an important opportunity to address the security concerns of minorities. The local crime prevention councils, which bring together police, KFOR, municipal authorities and community representatives, will also help to address local security requirements. My Special Representative has also proposed to the Serbian Government that high-level talks be held on Kosovo security issues.

11. UNMIK has undertaken a comprehensive review of the competencies it currently manages on the basis of Security Council resolution 1244 (1999) and has identified a number of responsibilities that do not impinge on sovereignty and can be transferred to the Provisional Institutions. This transfer would be strongly linked to the greater accountability and responsibility of the Provisional Institutions, which also implies robust monitoring and oversight, and sanctions imposed by my Special Representative, as required. This process will only be possible through the building of additional capacities within the Provisional Institutions. My Special Representative has already undertaken initiatives to improve coordination in this field.

12. UNMIK and the Provisional Institutions will proceed as quickly as possible with decentralization pilot projects and the drafting of laws on local government and finances. The envisaged pilot projects would provide for a practical evaluation of reform efforts at an early stage and accelerate progress in regard to the provision of services and implementation of standards, including institutional protection and security of minority communities.

13. UNMIK will also work in close coordination and cooperation with KFOR to improve security and freedom of movement, which are key factors needed to consolidate the presence of the minority communities and to accelerate the return of displaced persons to Kosovo. An action plan is being produced to ensure support for positive measures by local authorities in the area of returns, particularly at the municipal level, while at the same time dealing directly with those obstructing returns at all levels. These efforts will need to be accompanied by a comprehensive programme of outreach by the Provisional Institutions to Kosovo Serb and other minority communities and further steps to employ minorities in the public service.

14. Economic development is necessary not only to improve general social and economic conditions, but specifically to improve security and stability. While

actively working with European institutions on a mid- and long-term economic strategy, effective short-term measures are also necessary. Quick-impact projects at the municipal level will be implemented with donors and United Nations agencies in order to lay the groundwork for the recovery of the economy.

15. Multichannel dialogue is essential. Kosovo communities should engage in internal dialogue, and dialogue between Pristina and Belgrade should be enhanced. The constructive engagement of Belgrade is needed in a variety of fields beyond decentralization, such as missing persons, returns and the economy. Consideration will be given to the resumption of meetings of the working groups in the direct dialogue between Pristina and Belgrade. In addition, the involvement of Kosovo in regional dialogue and initiatives will be enhanced. UNMIK will also make sure that information is shared throughout the region and will intensify dialogue with the wider international community.

16. UNMIK has moved forward in implementing measures proposed after the March violence. Joint planning and operations developed since March by UNMIK and KFOR place particular emphasis on the security of minority enclaves and cultural sites and the creation of a security climate conducive to the return of internally displaced persons. The newly established local crime prevention councils will be complemented by an increased KFOR, UNMIK police and Kosovo Police Service (KPS) operational presence at the local level through mobile liaison and monitoring teams in each municipality, which will maintain permanent contact with UNMIK police and KPS, communities, village leaders, religious leaders and local authorities.

III. Observations

17. Although there have been steps taken during the reporting period towards addressing the causes and consequences of the March violence and in moving forward with the implementation of the standards for Kosovo, progress remains limited and uneven. While positive statements and commitments have been made by representatives of the Kosovo Provisional Institutions and by Kosovo political leaders, and while measures and mechanisms have been established, more action is required to translate these into concrete and sustainable results. The intensive engagement of the Contact Group and others has helped greatly to impress upon the Provisional Institutions that much remains to be done and progress must be achieved. The critical challenge for the Kosovo Provisional Institutions and for its political leadership remains to ensure that progress against standards translates into tangible and sustained change in Kosovo that concretely benefits all of its population.

18. Following the conclusion of the elections, the challenge for the Kosovo leadership is to form a representative, stable and effective Government that can bring Kosovo forward. Notwithstanding the disappointing turnout of Kosovo Serb voters, there is a need to work with the legitimately elected representatives of all communities and to reach out to those who, for whatever reason, decided not to vote. This will clearly need to include a continued focus on areas of particular significance for the Kosovo Serb community — returns, security and decentralization. I call upon the leadership of the Provisional Institutions and of the Kosovo Serb community to work together in the interest of the people of Kosovo

with the aim of creating the conditions for their normal life. Outreach from the Provisional Institutions and majority community leadership to all communities must be a priority.

19. As stated in my previous report to the Security Council on UNMIK (S/2004/613), following the events in March, I requested that a comprehensive review of the policies and practices of all actors in Kosovo be conducted and that options and recommendations be provided as a basis for further thinking on the way forward, in accordance with Security Council resolution 1244 (1999). Ambassador Kai Eide of Norway, whom I asked to conduct the review, submitted his assessment and recommendations for my consideration. His excellent report outlined a comprehensive and integrated strategy that provides a basis to take us into the process that will determine the future status of Kosovo. Following consultations, including with my Special Representative for Kosovo, key Member States and the leadership of our partner organizations, there seems to be a general understanding of and support for an integrated strategy for the way forward in Kosovo from now until mid-2005 and in preparation for the process to determine the future status of Kosovo. There was broad agreement on the need to focus on the economy and on security, the need to engage with Belgrade and to bring the Kosovo Serbs into the process, and the importance of the standards process. There was also broad support for a subregional approach which would not focus exclusively on Kosovo. We will continue to work closely with key Member States, in particular those in the Security Council and Contact Group, as well as with our regional partner organizations to continue the forward momentum on the basis of consensus.

20. In conclusion, I would like to thank my Special Representative, Søren Jessen-Petersen, for his commitment and dynamism in the first months of his tenure. My appreciation also goes to my former Principal Deputy Special Representative, Charles Brayshaw, for the steady leadership he has shown throughout his years of service in UNMIK. I would also like to extend my gratitude to the men and women of UNMIK for their dedication and commitment to the values and objectives of the United Nations. Finally, I would like to extend my appreciation to KFOR, our partners within UNMIK — the European Union and the Organization for Security and Cooperation in Europe — and to other organizations, agencies, contributors and donors for their valued political and material support in implementing Security Council resolution 1244 (1999).

Annex I

Technical assessment of the implementation of standards, prepared by the Special Representative of the Secretary-General for Kosovo

1. The present technical assessment is provided pursuant to consultations held by the Secretary-General in New York in September 2004. It outlines progress made against the eight standards for Kosovo (jointly agreed by the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Provisional Institutions of Self-Government on 10 December 2003) and the fulfilment of the actions contained in the Kosovo Standards Implementation Plan. Future technical assessments will focus more on the implementation of those priority actions within the standards linked to a multi-ethnic Kosovo (security and rule of law, freedom of movement, returns and protection of minorities, functioning democratic institutions and reform of local government).

A. Functioning democratic institutions

The organization and holding of general elections in Kosovo has been professionally carried out for the first time largely by the people of Kosovo. While the Provisional Institutions continued to suffer from a lack of capacity in many areas, not enough attention was given to the promotion of the multi-ethnicity of Kosovo institutions. Work on the reform of local government made considerable advances during the reporting period.

Elections

2. The Kosovo elections were for the first time organized to a large extent by the people of Kosovo themselves. A multi-ethnic Central Elections Commission set the regulatory basis for operations by adopting 15 electoral rules. With the objective of keeping the election machinery financially, institutionally and functionally sustainable, the 30 municipalities of Kosovo were requested to second staff to municipal election commissions. With a few exceptions, local administrations provided adequate and timely logistical support to the commissions, even in the Kosovo Serb-majority areas where the dominant mood was against participation in the elections.

3. The Central Elections Commission and its secretariat certified 33 political entities which contested the elections on 23 October. Political parties complied with requirements of financial reporting and paid their outstanding fines to the Political Party Registration Office. The ballot was printed in early October, allowing enough time to send the postal ballots to eligible voters outside Kosovo.

4. The implementation of the postal ballot registration programme in Serbia and Montenegro, however, encountered serious difficulties owing to the refusal of the Serbian authorities to cooperate technically through the Commissariat for Refugees in locating eligible voters. The conclusion of the registration programme saw less than 2 per cent of the estimated number of eligible voters outside Kosovo included on the final voters list (about 1,300 internally displaced person voters, compared to

the approximately 109,000 voters included on the 2002 list of eligible voters in Serbia and Montenegro).

5. The election campaign began on 22 September and was largely conducted in a correct, calm and dignified manner. Although many Kosovo Serb political leaders wished to participate in the elections, parties in Serbia proper were largely against participation. However, President Boris Tadic, on 5 October, publicly encouraged Serbs to vote and the Special Representative of the Secretary-General allowed the late registration of a new political entity representing Kosovo Serbs, the Serbian List for Kosovo and Metohija, which applied for registration immediately after Serbian President Tadic's announcement. On 8 October, a technical memorandum of understanding was signed with the Serbian Commissariat for Refugees on the opening of polling centres in Serbia proper. Throughout Serbia proper, 15 polling and registration centres were set up and run by the Organization for Security and Cooperation in Europe (OSCE). All displaced people who had proper documentation and had not already requested postal ballots were able to cast their votes for the Kosovo Assembly at these locations.

6. The campaign for the 23 October Kosovo Assembly elections took place without any major procedural irregularities and the vote was held in an orderly manner, with no significant security incidents. After a recount held in response to complaints relating to the forms used in the vote tally, official results showed a turnout of around 54 per cent (in Kosovo), down from around 64 per cent in the first Assembly elections held in Kosovo in 2001. The breakdown of overall support for the main Kosovo Albanian parties did not vary considerably from that in the 2001 elections: the Democratic League of Kosovo obtained 45.4 per cent of the votes, the Democratic Party of Kosovo 28.9 per cent and the Alliance for the Future of Kosovo 8.4 per cent. A new Kosovo Albanian political formation — ORA ("Time") — obtained 6.2 per cent of the vote. Negotiations among the main Kosovo Albanian parties on the formation of a coalition Government began immediately after the vote, although without result at the time of issuance of the present report.

7. Kosovo Serb participation in the Assembly elections was negligible. There were conflicting signals from Belgrade regarding whether the Kosovo Serbs should go to the polls. Prime Minister Vojislav Kostunica, speaking on behalf of the Serbian Government, and Serbian Patriarch Kyr Pavle maintained that the conditions were not in place for Kosovo Serbs to vote and urged Kosovo Serbs not to go to the polls. On 5 October, Serbian President Tadic stated that he would support Kosovo Serb participation in the elections, albeit accompanied by a number of conditions which included the establishment of internationally recognized local Serb authorities in the areas populated by Kosovo Serbs. As mentioned above, his announcement led to the certification of a Kosovo Serb entity — the Serbian List for Kosovo and Metohija — which submitted a list of 33 candidates for Kosovo's elections; another Kosovo Serb civic list claiming to represent Kosovo Serb internally displaced persons had also previously been certified. The late stage at which this decision was made allowed for virtually no campaigning by Kosovo Serb politicians, and protests by groups of Kosovo Serbs against participation in the elections took place. Only around 2,000 Kosovo Serbs, or under 1 per cent of the potential Kosovo Serb electorate, voted. The low turnout meant that there will not be any directly elected Kosovo Serb representatives in the Assembly and it remains uncertain if the 10 seats set aside will be filled. This is a setback from the

2001 Kosovo-wide elections when the Kosovo Serb coalition was the third largest entity in the Assembly with 22 seats, of which 12 were directly elected.

Provisional Institutions of Self-Government

8. In general, the Provisional Institutions continue to suffer from a lack of capacity in the implementation of the key aspects of the Kosovo Standards Implementation Plan, although some attempts at correcting this situation are being initiated at the Office of the Prime Minister. The enhanced scrutiny of progress on the Kosovo Standards Implementation Plan provided by joint UNMIK-Provisional Institutions standards working groups, attended by members of the Contact Group, has ensured better progress. The enhancement of the professional competence of the civil service continues to pose a major challenge, as does the need to insulate the civil service from political interference. For example, cases of municipal civil servants who have not followed — and have not been requested to do so by the Ministry of Public Services — the civil service rules that require them to resign or take unpaid leave as a result of their candidacy in the elections have been frequently reported during the period under review.

9. While the Provisional Institutions have to bear the burden of the achievement of standards for Kosovo, their task has been considerably complicated by the continued existence of Serbian parallel structures which take orders from Belgrade and contribute to the alienation of the Kosovo Serbs from mainstream politics and the public administration. This is particularly true of the health and education sectors, as well as the functioning of municipal structures in northern Kosovo, which prevents local institutions from taking full responsibility and being held accountable for the provision of services.

10. Minority employment in the Provisional Institutions continued to be low and confined to areas below the decision-making level, and mostly in the offices catering to minorities themselves. In the central ministries of the Provisional Institutions, the minorities occupied only about 9.6 per cent of total posts, as against the minimum stipulated percentage of 16.6 per cent. The overall percentage of the minorities in ministries has in fact shown a downward trend. On the one hand, this problem may be due to the fact that community candidates are either not available to fill advertised posts or are not prepared to be considered for such posts in an environment in which the trust among the communities is low. On the other hand, the Provisional Institutions have generally fallen short of taking a proactive approach to encouraging increased minority representation. Equal access to employment for minorities is also hampered by freedom of movement concerns (mainly for Kosovo Serbs) and the lack of qualified candidates (from the Roma, Ashkali and Egyptian communities). Employment of Kosovo Serbs and other community members in municipalities is very limited, with only 450 Kosovo Serbs employed outside the municipal community offices in municipalities in which Kosovo Albanians are in the majority.

11. The Kosovo Assembly held its final session on 27 September. During its three-year mandate, the Assembly adopted 83 laws, of which 74 have been formally submitted to UNMIK and 51 promulgated to date. Many of the remaining laws were forwarded to UNMIK only recently for promulgation as the Government and the Assembly rushed to make an impact on the legislative backlog. The Assembly passed a record 29 laws during the period from July to September. Assembly

committees, which are responsible for reviewing and proposing amendments to draft laws, thus had to meet an extremely tight deadline and, as a result, some proposed no amendments to draft laws or relied primarily on the comments of external experts.

12. The 38 proposed amendments to the Constitutional Framework adopted on 8 July by the Assembly were forwarded in September to UNMIK for its consideration. UNMIK continues to object to the comprehensive review undertaken of the Constitutional Framework, but will study specific areas in which amendments can be considered. Changes that impinge on Security Council resolution 1244 (1999) or that encroached upon the powers reserved to the Special Representative of the Secretary-General will not be considered.

Reform of local government

13. The Pristina-based working group on local government, jointly chaired by UNMIK and the Provisional Institutions, finalized a framework document for the reform of local self-government in Kosovo, which addresses calls for greater democracy, increased participation, better provision of services and sustainable security at the local level. The document calls for a substantial devolution of power from the central to the local level, empowering citizens to participate fully in local government. At a meeting held in New York on 22 September, the Contact Group, while emphasizing that local governmental reform must be developed by actors in Kosovo, called for the constructive engagement by Belgrade in decentralization efforts. The Contact Group subsequently hosted a dialogue meeting between experts from Pristina (UNMIK and the Provisional Institutions, including a Kosovo Serb community representative) and Belgrade (Serbian Government and Presidency), in Vienna on 27 and 28 September. These talks were conducted in an open-minded and businesslike atmosphere. The Chair of the meeting, while urging the Kosovo Serb community to join the Pristina-based working group on local government, encouraged Belgrade to play an active role in the working group in elaborating specific proposals in support of the Kosovo Serbs, which would receive full consideration.

Media

14. No substantive progress was made on standards implementation in regard to the media over the reporting period. However, the planned establishment of an inclusive and representative working group which will consider the creation of a media institute, as well as the forthcoming resumption of deliberations to establish a code of conduct for journalists, are expected to carry media reform forward over coming months. Efforts will also be undertaken to improve the unsatisfactory implementation of the Law on Access to Information. As at September, the OSCE Representative on Freedom of the Media, Freimut Duve, had sent an expert to Kosovo who will seek to push forward efforts to establish a self-regulatory system for the print media. In overturning an earlier negative decision by a district court against an application by the temporary Media Commissioner to enforce an unpaid fine against the daily newspaper, *Bota Sot*, the Supreme Court on 20 August re-established the Commissioner's authority to enforce sanctions. At the beginning of the electoral campaign, all but two newspapers were found to be in conformity of the rules on political advertising and the reporting of opinion surveys, with the *Bota Sot* and *Pavaresia* newspapers receiving warning letters from the Commissioner.

The draft law on the establishment of the Independent Media Commission was not submitted to the outgoing Assembly.

B. Rule of law

Continuing progress is being achieved in the investigation and prosecution of those responsible for the March violence, by both international and local judges and prosecutors. The non-participation of the Kosovo Serbs continues to paralyse the top-level Kosovo Security Advisory Group, but crime prevention councils at the local level throughout Kosovo are beginning to contribute to an improved security environment.

15. During the period under review, there has been continued progress in bringing to justice those responsible for the violence in March. More than 100 cases have been completed, with 85 resulting in convictions, ranging from fines and reprimands to a sentence of five years' imprisonment for a Kosovo Serb in Mitrovica who threw a grenade at Kosovo Force (KFOR) soldiers, injuring two of them. More than 200 other cases are still under judicial process, including indictments for the murders of Kosovo Serbs and attacks on Serbian churches and houses, and cases against alleged ringleaders of the violence.

16. The bulk of cases have been handled by local judges and prosecutors and monitored by UNMIK to ensure the fairness of the trial. Most cases appear to have been dealt with appropriately but UNMIK is ready to appeal if necessary: for instance, an international prosecutor has appealed the verdict of a local judge against two Kosovo Albanians who were involved in the looting of a Serbian Orthodox church on 19 March 2004.

17. In relation to war and inter-ethnic crimes, two Kosovo Albanians were indicted on 13 September for the murder of a 17-year-old Kosovo Serb in Gracanica on 5 June 2004; 11 Kosovo Albanians were indicted for inciting ethnic hatred when they blocked a convoy of potential Serb returnees on a go-and-see visit in Suva Reka on 13 November 2003; and on 20 September, trial proceedings commenced against a Kosovo Serb charged with killing three Kosovo Albanians and severely wounding two others during an attack in April 1999. In regard to organized crime, on 27 September, 8 Kosovo Albanian suspects were indicted in a major case of drug trafficking, involving large-scale shipments of heroin into Western European countries, which were coordinated from Kosovo.

18. On the fight against corruption, a mixed picture emerges. There are isolated instances in which corrupt practices within ministries have been detected and stamped out; progress has been made in both ministries and municipalities in establishing systems of internal audit and financial control; and, on 8 September 2004, the Assembly adopted a Law on Anti-Corruption. This falls far short, however, of the necessary comprehensive implementation programme for the anti-corruption strategy which was adopted by the Provisional Institutions in March 2004; indeed, some ministries still claim not to have received any information about its recommendations.

19. Closer relations between communities and police are a key part of the UNMIK strategy to improve security. Local crime prevention councils are currently being established in all municipalities, bringing together police, KFOR, municipal

authorities and community representatives to address requirements concerning local security. These meetings are already under way in all municipalities in the south-west and Gnjilane regions, and meetings in Zubin Potok and Leposavic (Mitrovica region) were attended by all communities.

20. At the central level, the Kosovo Security Advisory Group was established as a high-level forum for the Provisional Institutions and all communities in Kosovo to discuss security concerns with UNMIK and KFOR. After an initial introductory meeting on 13 July, it has stalled as a result of the decision by Belgrade not to allow, for an indefinite period, Kosovo Serbs to participate.

21. Transition in the Kosovo Police Service (KPS), briefly interrupted by the events of March, has returned to a scheduled progression. Since July, five police stations have been transferred to KPS, with 15 now under its command. Currently, 85 per cent of training at the Kosovo Police Service school is managed and delivered by KPS officers and other staff from Kosovo. The creation of special police units in KPS has been a priority since March, with the establishment of the first unit currently under way. Two additional units will be created in 2005 and another two between January and June 2006. KPS officers are also increasingly assuming responsibility for criminal investigations. At present, 816 KPS investigators are working in the regional and station investigation units and 13 per cent of these are from non-Albanian ethnic communities. During the first six months of 2004, 794 KPS officers were trained in special investigations.

C. Freedom of movement

Substantial limitations on freedom of movement remain for members of minority communities in Kosovo, in particular Kosovo Serbs who travel only with escorts or by means of special transport services in most regions, and whose day-to-day movements are severely constrained by the limited availability of such assistance.

22. In some regions, Kosovo Serbs travel through areas with a Kosovo Albanian majority only with escorts or by means of special transport services, while in other areas Kosovo Serbs use vehicles with KS license plates to undertake routine travel, while requesting escorts for the more high-profile trips. Members of other minority communities (including Kosovo Albanians in predominantly Serb municipalities) enjoy more freedom of movement than Kosovo Serbs, but still face some problems. More than 300 police escorts are required each month in connection with the transport of Kosovo Serb political authorities, visits by internally displaced persons, cultural or religious events, and travel to work or school. In the absence of police or military escorts, for example, Kosovo Serb children in the rural areas north of Pristina and in Obilic did not attend school for several weeks in September. Kosovo license plates are still not recognized by the Serbian Government, which exacerbates limitations on freedom of movement for the Kosovo Serb population. Minority communities may also travel safely through the civil service bus line, and the "freedom of movement" train, both of which are funded by the Government. Two more United Nations-operated bus lines will be opened, one of which will enable minority students to access the University in Mitrovica.

23. Nine incidents of harassment associated with the movement of minorities were reported by UNMIK police. Most of these were directed against Kosovo Serbs and were stoning incidents. Several incidents of damage and/or vandalism to Serb

cemeteries have also been reported to UNMIK police. Worryingly, following the destruction of abandoned properties in the post-March period, damage ranging from vandalism to arson continued to be done to reconstructed homes that had not yet been reoccupied. This sent an extremely negative message to prospective returnees, which authorities of the Provisional Institutions have not attempted to combat through the public condemnation of such acts.

24. Special arrangements are generally required for minority public service employees to work in majority areas, since the places of work for such employees are normally in the urban centres in which few minorities, in particular Kosovo Serbs, reside. Most municipalities currently provide some form of transportation for minority public service employees, and the civil service bus line provides access to work for many. The fact that transport needs to be provided interferes with the service of those who do have such jobs, and deters many from seeking such employment.

25. Only two municipalities (Pristina and Prizren) have adequately functioning language units; in other municipalities, language units are either non-existent or inadequately resourced. In a recent UNMIK survey, 20 of 24 municipalities received below average ratings in regard to compliance with the language-use provisions set forth in the standard. Only three municipalities obtained average scores and only one (Novo Brdo) achieved an above-average score. Of the six ministries surveyed, three have language units, albeit inadequately staffed, while the others continue to rely mostly on UNMIK resources. Only the Ministry of Public Services has established a system for monitoring the use of languages. There are no sanctions or remedial measures in place at either the municipal or ministry level to address non-compliance. The use of official languages on public signs is respected in most ministries and municipal courts, however, the municipal offices of the Provisional Institutions usually do not comply. Buildings that display monolingual signs include health facilities, schools and social welfare offices. This non-compliance applies equally in both Kosovo Albanian and Kosovo Serb majority municipalities.

26. Non-compliance with the regulation on the names of municipalities is widespread, with only one third of municipalities generally complying with the regulation. Names of streets, cities, towns, villages, roads and public places are often expressed only in the language of the majority community.

D. Sustainable returns and rights of communities and their members

While the day-to-day security situation has stabilized since the March violence, Kosovo Serbs and members of other minority communities continued to face serious threats to their well-being and security, based on ethnicity, and more people have been displaced in 2004 as a result of the March events than have been able to return to their homes.

Reconstruction

27. At the end of September, reconstruction of approximately 89 per cent of damaged and destroyed houses had been completed or was under way. Of the 919 homes damaged or destroyed, reconstruction of 481 houses had been completed. Reconstruction of the two schools damaged in March was largely completed by the 1 September deadline, and both schools are now functioning; 187 Kosovo Serb

children and 40 Roma children are currently attending the Sveti Sava school in Kosovo Polje. The Ministry of Education has provided the necessary equipment and furniture for schools as well. The processing of €2,000 start-up assistance payments has accelerated, although to date only 54 payments have been made (of payments for an estimated 700 eligible beneficiaries).

28. After encouraging initial progress by the Provisional Institutions, Kosovo Serbs, Belgrade and UNMIK in the reconstruction of religious sites, the restoration of monuments has been stalled since September after objections were raised by the Serbian Orthodox church. The implementation committee for reconstruction, consisting of an international chairperson and representatives of the Serbian Orthodox church, the Serb Government and the Provisional Institutions, is currently at an impasse. Eleven tenders have been made for restoration works and some €4.2 million set aside by the Provisional Institutions. However, as at mid-September, the representative of the Serbian Orthodox church has withdrawn his assent for the programme and has discontinued participation in the committee.

Returns

29. More minority community members have been displaced in 2004 than have been able to successfully return to their homes. As at 24 September, 2,288 people who had been displaced in the March violence had not yet returned to their homes. Up to 31 August, the number of minority returns to Kosovo in 2004 was 1,300. The pace of returns for 2004 is substantially slower than in 2003, with the number of returns at the end of August amounting to only 40 per cent of last year's total for the same period. The March violence had a particularly negative impact on urban returns: the only significant urban returns projects now under way involve the return of Kosovo Roma and Egyptians. Returns projects in urbanized areas are also under way in both the Pec and Klina municipalities. Returns projects are proceeding in two municipalities that had not seen significant organized returns prior to the current year (Urosevac and Dakovica).

30. While the level of municipal engagement in the returns process has increased during the reporting period, most municipalities still lack both the capacity and political will to assume full responsibility for minority returns. Problems encountered in implementing the Provisional Institutions reconstruction programme provide concrete evidence of the problem. A number of municipalities have demonstrated limited capacity to implement reconstruction projects, and delays have plagued the submission of information from municipalities to the central Reconstruction Commission. The programme has also exposed the communications gulf that exists between municipal authorities and minority communities. Municipalities are currently developing municipal return strategies, although fewer than one quarter have completed a strategy and presented it to the municipal working group on returns. Municipal capacity to address returns issues will, however, increase substantially in the coming months, since 26 municipalities have either hired or are in the process of hiring municipal returns officers. Direct engagement by municipalities in the development or implementation of returns projects is still extremely limited, although the involvement of municipalities as implementing partners for returns projects will be encouraged through Kosovo returns funding for 2005.

31. The Provisional Institutions have continued to provide a generous level of funding for returns, with a 50 per cent increase in returns funding from 2003 to 2004 (from €7 million to €10.5 million). While returns funding will remain stable in 2005, Kosovo has now assumed the position of the leading funder of returns. Efforts have continued to ensure that returns funding is distributed according to need and involves all communities. Most of the Kosovo budget has been directed to projects involving Kosovo Serbs (who constitute approximately 75 per cent of the displaced), but projects have also been funded for the return of Gorani families in Dragas, Kosovo Roma, Ashkali and Egyptian families in Dakovica and Mitrovica, and Kosovo Albanian returns to the Serb-majority municipality of Strpce.

32. Visible support for returns by community leaders remains irregular. Some leaders have participated helpfully in municipal working groups, and in go-and-inform visits and go-and-see visits. Representatives of the Provisional Institutions, in particular the Prime Minister, have visibly supported the reconstruction process through frequent visits to the inauguration and completion of building activities. While municipal authorities have become more constructively engaged in returns activities, a limited number of projects continue to encounter resistance at the municipal level. Political leaders have also frequently cited the elections as a basis for their inability to engage more actively in returns and community related efforts. The cornerstone of legal protection for the rights of communities and their members — the Anti-Discrimination Law — was promulgated on 20 August. The steps required for the implementation of the Law, however, have not yet begun, including the required public education and training activities.

33. In July, Kosovo political leaders endorsed the creation of a Ministry for community matters, human rights and returns. Work on the development of the Ministry has proceeded apace, with the support of an international consultant. Contributions by local authorities have been somewhat limited so far, and efforts to develop the capacity that would form the foundation for the new Ministry have not yet made much progress.

34. Municipal communities offices have gradually begun to function normally again following the March violence through the re-establishment of links and improvement of cooperation with the municipal administration. For example, in the south-west region, the heads of the offices attend on a regular basis meetings of boards of directors, and in the Gnjilane region, all four mixed municipalities reported municipal support for the municipal communities office. During the reporting period, meetings of the Communities Committee were held in 16 municipalities; in 7 municipalities, Kosovo Serbs continued to boycott the committees. In 12 municipalities, mediation committees have never been convened, while in those municipalities in which the mediation committees have been convened, no meaningful results have been achieved. Despite the increase in the number of municipalities that have held meetings on a regular basis, the structures continue to have a very limited overall impact owing to a lack of political will from all sides, and an insufficient understanding of their role despite the efforts of UNMIK and OSCE to ensure progress.

35. Fair-share financing results for the first half of 2004 closely resemble those for the same period in 2003. Only seven municipalities — Zvecan, Orahovac, Kamenica, Mitrovica, Vitina, Stimlje and Pristina — have achieved the minimum levels of spending relating to communities in all three budgets lines (municipal core

budget, education, health). Another seven municipalities reached fair-share financing in two of three budget lines.

E. Economy

Some progress has been made in completing economic legislation, moving privatization forward and the overall implementation of the budget process. Increased efforts need to be made, however, to improve revenue collection for public utility service providers, to enhance domestic tax compliance and to ensure that the budget process moves forward in a timely and coherent manner with all stakeholders on board. Overall, in almost all areas the need for capacity-building is still a matter of concern, in particular for ensuring that a long-term, strategic approach is adopted in regard to the economic development of Kosovo.

36. Concrete progress has been made in economic legislation with action plans in reserved and transferred areas being presented by both UNMIK and the Provisional Institutions. In addition, the Kosovo Assembly adopted a number of relevant laws during the reporting period, including those on obligations, consumer protection, concessions, copyright, patents, profit tax, personal income tax and tax administration and procedures. Efforts to establish an investment promotion agency have also continued, although this process faces human and financial resource constraints. Notably, the Energy Office has been transferred to the Provisional Institutions and is operational.

37. The Ministry of Finance and Economy intends to initiate the transition from commitment to cash budget planning, which is in line with the recommendations of the International Monetary Fund. The budget development process for 2005-2007 is, however, delayed. While management of the budget process has improved, the legal provisions in the Public and Financial Management Accountability Law need to be amended to reflect the single-budget process. Significant underspending by budget organizations, in particular in the capital category, has been repeated, which is an indication that the organizations are slow in implementing investment projects. Collections of Customs duty and associated taxes on importations (excise tax and value-added tax) for 2004 are stable, and running at about 2.5 per cent ahead of collections for the same period last year.

38. The privatization process moved forward, in line with the objective of completing it by mid- or late 2006 as the Kosovo Trust Agency (KTA) privatized an average of 25 socially owned enterprises and their assets each month. Outstanding concerns remain, including those related to the determination of the status of socially owned enterprise, immunity for the KTA Board and management, and the liquidation of the assets and/or land of such enterprises. Illegal seizure of their land by municipalities is an ongoing problem. Two waves of privatization tenders were successfully concluded in the summer and a third wave of 22 tenders for the assets of 13 socially owned enterprises was launched in July 2004, following consultation with United Nations Headquarters and adjustments to the privatization procedures. A fourth wave of privatization is imminent.

39. As part of the restructuring process of publicly owned enterprises based on the audit recommendations, KTA is working towards introducing a new corporate governance concept that foresees the establishment of boards of directors and supervisory boards, which will also improve transparency. The publicly owned

enterprises are also following up on the implementation of 2003 audit recommendations. It is envisaged that, by the end of October, the major publicly owned enterprises will have interim boards that will function until incorporation is completed.

40. The collection of revenue for public utility providers continues to be a problem throughout Kosovo. Although the publicly owned enterprises are largely a reserved responsibility, the Provisional Institutions must take concrete steps to support bill collection and ensure the allocation of adequate Kosovo consolidated budget funds to publicly owned enterprises to enable improved systems of collection to be properly established. Within the Post and Telecommunications Company (PTK), collections in both DardaNet and Vala900 are approaching 100 per cent of billed revenues, leaving the prime area of concern fixed-line telephony. In contrast, the Kosovo Electricity Company (KEK) is only able to collect on 32 per cent of electricity delivered. As an exemplary step, the Provisional Institutions Energy Office has begun consultations with KEK management to cooperate on joint measures to improve billing and collections, and a working group has been formed for this purpose. With the strong support of the Ministry of Environment and Spatial Planning, KTA has now created seven regional water and seven regional waste companies from the previously existing 42 small, fragmented municipal operations to improve revenue collection through consolidation. Currently, the average revenue collection rate in this sector is 52 per cent, although this ranges from 33 per cent to 93 per cent in the seven regional companies.

41. No formal tax compliance indicators have been developed. The Tax Administration has instead developed performance indicators that measure the institutional efficiency of the Administration itself. Domestic compliance with taxes is very low, with only 20 per cent of total tax revenues derived from internal collection. International cooperation, along with the deployment of anti-smuggling teams and cooperation with police and KFOR, continues to improve compliance. The banderol regime introduced to reduce the smuggling of tobacco into Europe is proving effective and has reduced imports by 44 per cent.

F. Property rights

Despite the critical steps taken towards adopting a coordinated strategic approach, the implementation and enforcement of legal and regulatory instruments protecting property rights remain inadequate, whether through administrative, judicial or law enforcement institutions.

42. The illegal occupation of residential, agricultural and commercial land remains an area of little progress. Administratively, municipalities still have not made a concerted effort to sanction and prevent illegal occupation through the enforcement of illegal construction or other regulations. While some municipal leaders have publicly condemned illegal occupation, there is no evidence of a coordinated awareness campaign. At the ministerial level, the Provisional Institutions have not initiated a process to establish an action plan to strengthen existing mechanisms for the effective resolution of disputes over agricultural and commercial property.

43. An important accomplishment was the convening of the Expert Group on Property in August. The Group has finalized its terms of reference and formed a subgroup to begin delayed work on compiling an inventory of legislation related to

central and municipal real property rights, and a needs assessment and legislative action plan.

44. In relation to residential property, the Housing and Property Directorate and Housing and Property Claims Commission continue to work through their caseload. As at 30 September, Directorate and Commission decisions had been issued for 19,875 of 29,028 claims (68 per cent), although only 8,996 (46 per cent) had been enforced or fully implemented. To continue its work according to planned levels, the Directorate has asked for an additional €200,000 to meet its original request of €1.2 million. It also still has a projected $2.3 million deficit for its operations in 2005. Police have provided generally solid support for the enforcement of Directorate and Commission decisions and court-ordered evictions. Work is ongoing to enhance coordination and training in regard to illegal occupation issues in order to help the police and the justice system fully utilize criminal provisions on illegal occupation. As at 16 September, of the 59 trespass-related criminal cases pending with the police, charges were filed in only 1 case, 8 cases were referred to prosecutor, and 44 cases were under investigation.

45. The establishment of the immovable property rights registry and cadastre is slowly moving forward, although neither is yet fully functional nor accessible. A pilot training programme required to launch effectively the digital programme for the Immovable Property Rights Register is ongoing in five municipalities and will be expanded. However, given that parallel records still remain in Serbia proper, duplicate sales of property are still possible.

46. One area in which there has been movement is informal settlements. The stakeholders group established in the second quarter of 2004 has met frequently and worked well together. A situational analysis, looking at the urban management situation in three pilot municipalities, will begin soon. No action has been taken by the Provisional Institutions to implement an awareness-raising campaign among authorities and the general public about informal settlements and the property rights of their inhabitants, despite ongoing urban planning activity. Limited progress also has been noted in the provision of alternative housing for the socially vulnerable. Two pilot social housing projects, initiated centrally and developed and co-financed at the municipal level, were completed in September 2004, and three more projects are under development centrally.

G. Dialogue

There was no continuation of the direct dialogue between Pristina and Belgrade, owing to the latter's reluctance to restart the process after March. However, the Special Representative's initial contacts with the Belgrade authorities were frank and constructive. Regional contacts progressed.

47. Despite the promising start of the dialogue's working group on missing persons early in March, the mid-March violence and a variety of other issues have been cited by Belgrade authorities as impediments to a resumption of the dialogue between Pristina and Belgrade.

48. The Kosovo Prime Minister, Bajram Rexhepi, has declared since April his willingness to resume the dialogue with Belgrade and wrote to the International Committee of the Red Cross on 5 August, requesting the resumption of the dialogue

on missing persons. However, the autumn election campaign in Kosovo and the possibly lengthy process of forming a new Government will prevent Pristina from sitting down with Belgrade for some time to come. The meeting of advisers on the reform of local government, held in Vienna on 28 September, did, however, show that a dialogue between Pristina and Belgrade is still possible.

49. Regional cooperation, in particular with the former Yugoslav Republic of Macedonia and Albania, continued to develop. On 11 June, UNMIK, acting for the Provisional Institutions, signed a Memorandum of Understanding on the Development of the South-East Europe Core Regional Transport Network. This will enhance cooperation on transport issues among signatories, providing the essential precondition for the development of appropriate road and railway links, waterways, ports and airport networks in the region. On 28 September, UNMIK and Albania signed an agreement effectively eliminating double taxation for businesses and persons from Albania operating in Kosovo, and vice versa. Consultations are under way with Slovenia and Turkey with a view to concluding investment protection agreements. Slovenia and Romania have opened liaison offices in Pristina. The former Yugoslav Republic of Macedonia intends to open an office of its Chamber of Commerce. The Provisional Institutions, working in close coordination and partnership with UNMIK, have continued to participate in regular multilateral forums, such as meetings of the Stability Pact and the Western Balkans Forum of the European Union.

50. The European Commission Stabilization and Association Process Tracking Mechanism continued to guide Kosovo towards European Union-compatible reforms. A fifth meeting of the Mechanism was held in Brussels on 17 September between the European Commission, the Provisional Institutions and UNMIK, to discuss issues related to the economy and environment. More important, the meeting served as an opportunity to discuss the recently adopted European Partnership with Serbia and Montenegro, including Kosovo. The European Partnership identifies priorities for action in support of efforts to move closer to the European Union. The recent establishment of the Office for European Integration Processes in the Office of the Prime Minister will increase the capacities of the Provisional Institutions to effectively respond to the European Partnership, participate in the STM, and in other relevant SAP instruments.

H. Kosovo Protection Corps

In general, the Kosovo Protection Corps (KPC) and its members continue to comply with the rule of law and exercise their duties in accordance with their mandate. KPC has not, however, hidden its frustration at not being given greater tasks.

51. At the tactical and operational level, KPC has performed well, in particular in the context of mine clearance and search and rescue operations. The organization will not, however, be able to achieve European professional standards without more training and equipment support. The withdrawal of the training provided by the International Organization for Migration will have a significant impact on both general and specialist training. Command, control and coordination measures need to be developed between KPC and other emergency services (Department of Emergency Management in the Ministry of Public Services, KPS, Kosovo Fire

Service, medics and non-governmental organizations). KPC is also constrained by lack of funding, essential equipment, training and supervision.

52. Discipline within KPC is improving. Cases of non-compliance are less frequent. The procedure is reviewed by legal staff at the Office of the KPC Coordinator and the KFOR Deputy Commander and KPC Inspector General. In general, the process is efficient, uniform, objective and protects due process rights. Minor revisions to procedure have improved efficiency and information flow. A new procedure is being developed to review the performance review system. The revision of the disciplinary code has been delayed by political issues (e.g., future role of the KFOR Inspectorate for the KPC). Steps are being taken to resolve this. UNMIK is not aware of cases of discrimination in disciplinary action, but equally no formal measures appear to have been adopted to ensure that such discrimination does not occur.

53. A campaign plan for recruiting minorities to a quota of 10 per cent (at present, minorities comprise 7.75 per cent of the active membership) has been drawn up but not yet implemented. This will require the proactive support of UNMIK, non-governmental organizations and municipalities. Minority figures are currently falling, owing to external pressures on Serb KPC members (assessed to be predominantly from Serbia, and Kosovo Serbs). New applications from minority members are being processed. Although limited in scale, KPC continues to carry out community projects within minority areas.

54. The Kosovo Protection Corps has released 13 of the 59 sites that it was occupying around Kosovo at the beginning of 2004. Five more locations are to be vacated by the end of the year. Further relocation is constrained by lack of funding to renovate the premises into which the KPC will be consolidated.

Annex II

Composition and strength of the UNMIK police as at 31 October 2004

Country	*Number*	*Country*	*Number*
Argentina	136	Malaysia	32
Austria	29	Mauritius	0
Bangladesh	94	Netherlands	1
Belgium	0	Nepal	47
Brazil	3	Nigeria	78
Bulgaria	54	Norway	20
Cameroon	9	Pakistan	197
China	19	Philippines	90
Czech Republic	15	Poland	124
Denmark	20	Portugal	10
Egypt	37	Romania	185
Fiji	33	Russian Federation	129
Finland	9	Senegal	0
France	75	Slovenia	15
Germany	266	Spain	15
Ghana	51	Sweden	30
Greece	18	Switzerland	8
Hungary	10	Tunisia	5
India	298	Turkey	252
Italy	59	United Kingdom of Great Britain and Northern Ireland	99
Jordan	430	United States of America	244
Kenya	28	Ukraine	213
Kyrgyzstan	4	Zambia	36
Lithuania	8	Zimbabwe	61
Malawi	15		
Total			**3 611**

Composition of the Kosovo Police Service at 31 October 2004

Category	*Percentage*	*Number*
Kosovo Albanians	84.5	5 309
Kosovo Serbs	9.4	593
Other ethnic minority members	6.0	380
Total		**6 282**
Men	85.6	5 382
Women	14.3	900

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo (as at 31 October 2004)

Country	*Number of liaison officers*
Argentina	1
Bangladesh	1
Belgium	1
Bolivia	1
Bulgaria	1
Chile	1
Czech Republic	1
Denmark	1
Finland	2
Hungary	1
Ireland	4
Italy	1
Jordan	2
Kenya	1
Malawi	1
Malaysia	1
Nepal	2
New Zealand	1
Norway	1
Pakistan	1
Poland	1
Romania	1
Russian Federation	2
Spain	2
Ukraine	2
United Kingdom of Great Britain and Northern Ireland	1
Zambia	1
Total	**36**

Map No. 4130 Rev. 17 UNITED NATIONS
October 2004

Department of Peacekeeping Operations
Cartographic Section

United Nations S/2004/908

Security Council

Distr.: General
18 November 2004

Original: English

Report of the Secretary-General on the United Nations Stabilization Mission in Haiti

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1542 (2004) of 30 April 2004, in which the Council requested me to provide a report prior to the expiration of the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH) on 30 November 2004. The report describes the progress made in the deployment of MINUSTAH and the activities of its components. As requested by the Council, it also contains recommendations on whether to extend, restructure or reshape the Mission to ensure that the Mission and its mandate remain relevant to changes in Haiti's political, security and economic development situation.

2. MINUSTAH continues to be led by my Special Representative, Juan Gabriel Valdés. He is assisted in his task by two deputies, Hocine Medili and Adama Guindo, as well as the Force Commander, Lieutenant General Augusto Heleno Ribeiro Pereira (Brazil) and the Civilian Police Commissioner, David Charles Beer (Canada).

II. Deployment of the Mission

Military deployment

3. During the reporting period, the deployment of troops throughout the country remained a major priority for MINUSTAH in order to stabilize a precarious security situation and contribute to creating the necessary conditions for the implementation of other aspects of its mandate. On 8 November 2004, the Mission's troop strength in Haiti stood at 4,493 (see annex I). The arrival of additional troops from Chile, Ecuador, Guatemala, Jordan, Morocco, Nepal, Peru, Spain and Sri Lanka enabled the Mission to deploy throughout the country and have a permanent presence in all important areas, except in Jérémie and Port-de-Paix.

4. The advance party from the Nepalese contingent deployed to Hinche, thereby relieving the Brazilian detachment that had been stationed there temporarily. Sri Lankan forces assumed responsibilities for the south-western sector of Port-au-Prince, extending up to Miragoâne. The Spanish-Moroccan composite battalion replaced the Chilean detachment in Fort-Liberté and monitored major crossing points along the border with the Dominican Republic. The Jordanian contingent

04-60432 (E) 191104

deployed to Port-au-Prince and areas to the north to strengthen security in the capital region. Troops from Argentina, Brazil, Chile and Uruguay remained deployed to areas in Gonaïves, Port-au-Prince, Cap-Haïtien and Les Cayes, respectively, as indicated in my previous report (S/2004/698, paras. 5-7). The Uruguayan contingent was also given the task of covering the area of Jérémie. The Peruvian force reserve company deployed to Jacmel, where it maintained a state of readiness to move to any part of the country as required. The Guatemalan military police company assumed its support responsibilities mission-wide. The Chilean-Ecuadorian composite engineering company has commenced its deployment.

Civilian police deployment

5. As at 8 November 2004, the strength of the MINUSTAH civilian police component stood at 978 personnel, comprising 560 civilian police officers and 6 formed police units with a combined strength of 418 from China, Jordan, Nepal and Pakistan (see annex II). MINUSTAH civilian police officers have a permanent presence in all 10 administrative districts of Haiti, albeit in varying degrees. Three formed police units from China and Jordan were deployed to Port-au-Prince to help address the security situation. The advance parties of the Pakistani and Nepalese formed police units had arrived, and the full units are expected to be operational by the end of November and the end of December, respectively. The second Jordanian formed police unit will stay in Port-au-Prince until the security situation improves and will then move to Cap-Haïtien.

III. Main developments and operational activities

6. Since my interim report of 30 August 2004 (S/2004/698), the security situation in Haiti has deteriorated, particularly in Port-au-Prince, and the political climate has remained tense. The Transitional Government has come under growing pressure to increase security and enhance economic development. The main threat continued to emanate from various armed groups, some of which have displayed an increasing willingness to defy and confront the Transitional Government. In addition, following the floods caused by tropical storm Jeanne on 17 and 18 September, the security situation in Gonaïves temporarily worsened, in particular around food distribution points and access roads.

7. Late in August and early in September, members of the former military occupied three police stations in Petit-Goâve, Thomazeau and Terre-Rouge. Early in November, they took possession of an unoccupied police station in the vicinity of Saint-Marc. Meanwhile, they had been expelled from the police station of Thomazeau by the Haitian National Police (HNP), with the assistance of MINUSTAH, and prevented from occupying other public buildings. On 29 September, MINUSTAH forces denied them entry to Gonaïves, where they were planning to deliver humanitarian aid, as they refused to relinquish their arms.

8. The Transitional Government has taken concrete steps to start addressing the grievances of the former military. It created three commissions, one of which agreed on 18 September on a set of conclusions and recommendations, which included the creation of a Demobilized Soldiers Management Bureau (*Bureau de gestion des militaires démobilisés*) by the Transitional Government. On 6 October, the Bureau was set up and on 21 October a three-member board of the Bureau was installed

under the authority of the *Conseil supérieur de la police nationale*. It will seek to reintegrate the demobilized soldiers into the economic and social life of the country. In order to enhance their public image, the former military offered assistance in restoring public order and were seen, in some places, cooperating with the National Police and being accepted by the local population and administration. However, the HNP spokesperson recently stated that the National Police recognized only the demobilized soldiers who had been integrated into its structures.

9. On 30 September, violence broke out during demonstrations organized by supporters of former President Aristide to commemorate the thirteenth anniversary of the 1991 military coup. Demonstrations continued for three days, during which barricades were erected and sporadic gunfire was heard in parts of the city, including in the shanty towns of Bel-Air and Cité Soleil, which are considered to be strongholds of former President Aristide.

10. Demonstrations and violent incidents continued after the arrest on 2 October of two Senators, Yvon Feuillé and Gérald Gilles, and a former Member of Parliament, Rudy Hérivaux, of Fanmi Lavalas, as well as one of their lawyers, accused of masterminding the violence. Two of them were subsequently released but Senator Feuillé and the former MP remain in detention on the basis of the following three charges: murder with premeditation; illegal possession of firearms; and plotting against the security of the State. Father Gérard Jean-Juste, a priest and vocal supporter of former President Aristide, who was arrested on 13 October, also remains in custody at the National Penitentiary on charges of plotting against the security of the State.

11. The surge in violence has been unanimously condemned. On 4 October, my Special Representative issued a statement in which he voiced regret that a peaceful demonstration had served as an excuse for a series of brutal and violent actions. He appealed to all Haitians not to let themselves be drawn into a vicious cycle of revenge and violence and to embark on the path of dialogue, reconciliation and peace.

12. On 21 October, the Prime Minister, Gérard Latortue announced a limited cabinet reshuffle, the first since the Transitional Government took office on 17 March 2004. Among other changes, a former military officer was appointed Secretary of State in charge of public security, reporting to the Minister of Justice.

13. On 26 October, in the Fort-National district of Port-au-Prince, at least seven young people were executed, according to media reports and eyewitnesses, by people dressed in black. At the urging of my Special Representative, the Transitional Government ordered an investigation into the reported deaths. The National Police denied any involvement in the event. Two days later four other youths were killed in similar circumstances in Carrefour-Péan.

14. During the demonstrations, and violent incidents in October, more than 60 people were killed, including 13 HNP officers, three of whom were beheaded. The unrest disrupted the daily life of city residents. Schools and businesses had to close down at times. Fear kept workers away from the workplace, which brought port activities in Port-au-Prince to a standstill. Vessels carrying food supplies, destined primarily for victims of the humanitarian crisis in Gonaïves, could not be unloaded or cleared by customs.

15. To counter the spread of violence, on 4 October, a Joint MINUSTAH/HNP Operations Centre was established in Port-au-Prince to enhance coordination between the Mission's civilian police and military components and the National Police in undertaking joint actions and, ultimately, to restore the confidence of the population in the capacity of the police, with the assistance of MINUSTAH, to control the situation.

16. Since the establishment of the Centre, 10 joint operations have been conducted, including four operations in Bel-Air. The operations resulted in numerous arrests, but only an insignificant number of weapons were seized, highlighting the difficulty of planning and organizing such operations in total confidentiality. Following a clean-up operation on 24 October to remove over 100 burnt-out cars used as barricades, a joint HNP/MINUSTAH post was established in Bel-Air. The post functions 24 hours a day and is supported by joint patrols of the National Police and the MINUSTAH civilian police and military components. On 4 November, joint operations in Bel-Air resulted in the arrest of 13 so-called *chimères*, including three leaders. Regular joint patrols have also contributed to the normalization of public markets and the reopening of schools. On 25 October, my Special Representative visited the Port-au-Prince harbour, where activities had resumed after the Brazilian brigade had secured the facilities.

17. In addition, MINUSTAH forces and civilian police have been patrolling extensively outside of the capital to provide a visible security presence and protect key installations. They also established checkpoints to control movement and search for illegal weapons. On a few occasions, MINUSTAH forces have been targeted by hostile fire. Three military and civilian police personnel from Argentina, Brazil and Jordan have sustained light injuries in separate incidents.

18. The Transitional Government blamed armed supporters of former President Aristide, as well as the former President himself, for the deliberate instigation of violence, which they perceived to be part of a larger strategy aimed at destabilizing the country, disrupting the transition process and undermining the Transitional Government. Several political leaders and representatives of civil society have urged the Transitional Government to take stronger action against these armed supporters. It was suggested, inter alia, that Fanmi Lavalas, considered a "terrorist" organization, should be outlawed and an international warrant issued for the arrest of former President Aristide. The Prime Minister has called upon the non-violent Lavalas elements to condemn the violence and join the political transition process.

19. Lavalas supporters continued to denounce the repression of their movement and the political persecution of which they claim they are victims. In addition to those arrested on 2 October, former Prime Minister Yvon Neptune, accused of having masterminded a massacre in Saint-Marc, remains in prison. His case is pending a decision of the Supreme Court to appoint a new judge to handle the case. The former Minister of the Interior, Jocelerme Privert, and the political activist Annette Auguste (So Ann), arrested on 6 April and 10 May 2004, respectively, also remain in detention. They have not been formally charged.

IV. Preparations for disarmament, demobilization and reintegration

20. The Transitional Government has not yet established a national commission on disarmament, demobilization and reintegration, as urged in my previous report (S/2004/698, paras. 14 and 57), nor has it adopted the required legal framework.

21. MINUSTAH initiated consultations on a comprehensive disarmament, demobilization and reintegration programme with all relevant partners. This resulted, among other things, in the establishment on 27 October of an ad hoc committee on disarmament, demobilization and reintegration, comprising representatives of the Ministries of Justice and the Interior, MINUSTAH and the United Nations Development Programme (UNDP), to prepare the draft decree that will enable the Prime Minister to create the National Commission.

22. MINUSTAH is integrating the present UNDP programme on disarmament, demobilization and reintegration into its overall structure. It is also exploring the extension to other areas of the UNDP-run pilot project in the Carrefour-Feuilles district of Port-au-Prince, aimed at mobilizing and sensitizing communities for disarmament, demobilization and reintegration. It is envisaged that the lessons learned in the pilot project will facilitate early entry into other volatile quarters of the city.

V. Support for the rule of law

23. The MINUSTAH civilian police component established its operations in all 10 administrative districts of Haiti. Logistical and administrative shortfalls continue to hamper its effectiveness, however. Regional commands have established a combined MINUSTAH civilian police/HNP patrol system, with the exception of Gonaïves.

24. The increased security threats have made it necessary for the MINUSTAH civilian police component to focus mainly on providing operational support to the National Police. This has limited the capacity to address police development and training needs. However, since August 2004, MINUSTAH civilian police have been assisting in the six-month training programme for new HNP recruits at the National Police Academy. Meanwhile, 400 candidates have been selected to join the sixteenth class, which is expected to start in December 2004. In addition, since September, MINUSTAH civilian police have been involved in a "train-the-trainers" programme for HNP instructors. The programme was suspended temporarily because of the redeployment of personnel to Gonaïves to address the security situation following the floods, but it was scheduled to restart in the week of 15 November. MINUSTAH is coordinating closely with bilateral partners on all initiatives aimed at addressing the needs of HNP.

25. A national assessment of National Police needs in staffing, training and logistical equipment in the entire country is ongoing. A female international civilian police officer is conducting a needs assessment in the capital on the structures to deal with cases of sexual violence against women that are reported to the police. Awareness-raising and preventative campaigns on inter alia HIV/AIDS, child protection and victims of sexual crimes have been conducted in cooperation with the relevant MINUSTAH units.

26. UNDP has resumed providing technical assistance to tribunals in Port-au-Prince and in some regions and continued to support the civil society organizations in their efforts to build a consensus on a programme for justice reform.

VI. National dialogue and reconciliation

27. My Special Representative has held exploratory meetings with political leaders and civil society representatives, at which broad support has been shown for a national dialogue, the timing, objectives and format of which are being discussed. UNDP offered its assistance to MINUSTAH in this area, and international experts on dialogue issues visited Haiti to assess the situation and advise on steps to promote a national dialogue process, building on existing capacities and ensuring coordination among various initiatives. The MINUSTAH public information office will support these efforts through public information and outreach activities directed towards civil groups.

VII. Preparations for elections

28. The Transitional Government reiterated its commitment to organize free, fair and credible elections in 2005 and to transfer power to an elected President on 7 February 2006. It allocated funds and materiel to the Provisional Electoral Council to enable it to launch its preparatory activities. MINUSTAH participated in discussions and consultations among the Council, political parties and civil society representatives to form a general consensus on the elections.

29. As a result of the consultations, and in spite of differences among its members which eventually led to the resignation of its President on 8 November, the Provisional Electoral Council adopted a number of decisions. On 5 October, it decided that Haitians will vote in local elections on 6 November 2005. On 27 November 2005, the first round of national elections (presidential and legislative) will be held, with the option of a second round of voting on 18 December 2005. Fifty per cent of the vote is needed to be elected President, Senator or Member of Parliament. The Provisional Electoral Council also agreed on a budget of $43.9 million for the organization of the elections. The Transitional Government is funding the elections with $2.9 million while the international community is expected to contribute $41 million.

30. The Haitian women's organization Fanm Yo La has taken the lead among organizations of civil society for the promotion of women in the electoral process, both as voters and as candidates. Discussions with the Provisional Electoral Council on the introduction of a quota to promote women's participation will be continued.

31. The memorandum of understanding between the United Nations and the Organization of American States (OAS) concerning electoral assistance to Haiti was signed on 2 and 3 November 2004. The agreement delineates respective responsibilities and sets up an electoral cooperation committee to ensure that the assistance provided is effective and coherent. Among other key tasks, the United Nations assumes the supervision of all aspects of the electoral process and the quality control of technical assistance projects; OAS will be conducting the voter registration exercise. In addition to OAS, MINUSTAH is collaborating closely with

the International Organization of la Francophonie, as well as other international organizations, agencies and donors involved in supporting the electoral process.

VIII. Civil affairs

32. As of November 2004, the Transitional Government has appointed new municipal commissions in 131 out of 139 municipalities. Each commission consists of one Mayor and two deputies. Only one of the appointed commissions is contested by the local population. However, many local and central administrations continue to lack qualified staff, institutional memory, and the minimum equipment necessary to function.

33. In close consultation with the Haitian authorities, MINUSTAH, together with UNDP, initiated the assessment of applicable local law, the needs in capacity and management training for municipal employees, and the degree of representation of local government structures, so as to establish integrated governance and institutional programmes. MINUSTAH also assisted ministries and non-governmental organizations in their efforts to restructure, reorganize, decentralize and train networks of civil society groups.

IX. Humanitarian situation and development

34. Almost four months after the floods of 24 May 2004 in the southern part of Haiti, which killed more than 2,000 people and affected more than 30,000 people in the regions of Belle-Anse and Fonds-Verrettes, Haiti was again faced with a natural disaster of significant magnitude. Heavy rains, brought by the passage of tropical storm Jeanne on 17 and 18 September, caused flash floods in the north-west of Haiti. According to official figures, 1,870 persons died, 884 are missing and 2,620 were injured. Some 4,628 houses were destroyed. In all, nearly 300,000 people were affected.

35. The need for an immediate response to the disaster posed a particular challenge to MINUSTAH. The Mission temporarily redeployed military and police personnel to Gonaïves to support the Argentinean troops in providing security at distribution points and warehouses, and for humanitarian convoys, as well as logistical support to relief activities; they also participated in clean-up operations. The Argentinean forces also established and ran a medical clinic. The Brazilian brigade provided daily escorts to humanitarian relief convoys, while the Chilean helicopters provided aviation support for the humanitarian operations.

36. MINUSTAH worked closely with the United Nations coordination structure, which is facilitated by the Office for the Coordination of Humanitarian Affairs, in particular the disaster assessment and coordination team, with the support of the UNDP natural disaster mitigation team, and is composed of the United Nations country team agencies and other international humanitarian organizations. It also participated in the joint national committee, established by the Haitian authorities, to coordinate humanitarian assistance.

37. On 1 October, a Haiti Floods Flash Appeal was issued in the amount of $32 million to respond to emergency relief and early recovery needs in Haiti from October 2004 to March 2005. As at 8 November, $10.6 million in cash and in-kind

contributions had been received, which represents only 27 per cent of the total requirements.

38. The ravaging floods in May and September 2004 underlined the need for urgent and effective mitigation policies and programmes, particularly in the area of the environment. As a consequence, the United Nations system and the Transitional Government, with the support of some donor countries, have launched a countrywide study on risk and vulnerabilities, the results of which will help to design future mitigation policies and programmes. Meanwhile, the Transitional Government has taken some measures to stop the uncontrolled exploitation of quarries in the vicinity of Port-au-Prince.

39. Despite the humanitarian emergency and the tense security situation, significant steps have been taken towards the implementation of the interim cooperation framework, the Transitional Government's assessment of short- and medium-term needs in Haiti, which was made in collaboration with the international community. On 23 September, the Transitional Government, in close consultation with MINUSTAH, major donors and intergovernmental organizations, put in place a follow-up mechanism to coordinate the assistance to Haiti, particularly the pledges of $1,085 million made at the July donors conference for the interim cooperation framework. The mechanism includes, at the strategic level, a joint implementation and monitoring committee chaired by the Prime Minister and including representatives of civil society and donors. An inter-ministerial committee, chaired by the Minister of Planning, will ensure the coordination of activities and the tracking of resources. At the implementation level, the principal ministries and national institutions responsible for each subsector of the interim cooperation framework will establish sectoral working groups — each led by the relevant national institution — to which the donor community has appointed focal points. The working groups will ensure coordination in the execution phase and will report on results achieved. MINUSTAH has been designated as the focal point of the international community for three sectoral working groups: police, disarmament, demobilization and reintegration, and security; justice and human rights; and elections. The capacity of the United Nations on the ground to assist with the implementation of the interim cooperation framework has improved, notably through the opening of field offices by United Nations agencies that were not present before. Some donors, such as Canada, the United States of America, the Inter-American Development Bank and the World Bank, have started to disburse funds.

40. MINUSTAH continued to receive, review and approve proposals for quick-impact projects throughout Haiti. As at 8 November, 497 applications had been received, 173 reviewed and 35 approved for a total amount of $462,096. The selected projects support civil society and public institutions initiatives. To assist the victims of tropical storm Jeanne in Gonaïves, the committee on quick-impact projects exceptionally approved four emergency projects for the city, for a total amount of $60,000.

X. Human rights, children's rights, gender issues and HIV/AIDS

41. During the reporting period, the human rights situation remained a cause of great concern. The proliferation of weapons and armed groups and the climate of

impunity which continued to prevail have impeded the respect for human rights. Armed groups have made arbitrary arrests and run illegal detention centres in some localities. The justice system remained dysfunctional and the National Police continued to operate outside the purview of the rule of law. Cases of intimidation, unlawful and arbitrary detentions, ill-treatment and assassinations, as well as threats and intimidation against human rights activists, continued to be reported to MINUSTAH. In this context, the continued detention of members of Fanmi Lavalas or supporters of the movement, some of whom have not been formally charged, as well as the recent summary executions (see para. 13 above) are particularly worrisome. There has also been a recent increase in the number of reported cases of sexual violence against women.

42. The human rights adviser to the United Nations country team and the MINUSTAH civilian police and military components paid joint inspection visits to prisons and police stations to follow up on arrests made by the National Police.

43. There has been little discernible progress in the realization of children's rights in Haiti. In Gonaïves, their situation has worsened as a result of the floods which killed more than 1,000 children and affected more than 155,000 children under 18. The Executive Director of the United Nations Children's Fund (UNICEF), Carol Bellamy, visited UNICEF relief efforts in Gonaïves on 29 September, emphasizing the need for children to regain a sense of normalcy.

44. The MINUSTAH gender unit worked with the Ministry for the Status of Women and women's organizations in assessing the impact of the floods on women and girls, as a number of women were reportedly attacked and robbed of food on their way home from the distribution spots secured by MINUSTAH. More efforts should be made to involve women in the reconstruction of the city.

45. Consultations continued between the MINUSTAH gender and HIV/AIDS units and the civilian police component, the Joint United Nations Programme on HIV/AIDS, the United Nations Population Fund and Haitian physicians to prepare an integrated training package for the National Police. The main objective is to enhance the capacity of the police to develop prevention of, and response to, sexually transmitted diseases and HIV/AIDS with consideration for a gender perspective.

XI. Coordination and cooperation with the Organization of American States and the Caribbean Community

46. MINUSTAH continued to work closely with OAS on police training and elections. The cooperation on the latter has now been formalized with the signing of the memorandum of understanding (see para. 31 above). The agreement provides a good basis for enhanced regional and international collaboration in supporting the electoral process. Contacts with representatives of CARICOM were held to discuss the electoral assistance that Member States would provide in keeping with the CARICOM decision to support all Haitian reconciliation and recovery efforts.

47. On 9 September, my Special Representative formally established the Core Group on Haiti (see S/2004/300, para. 81) in Port-au-Prince. Comprising representatives of the diplomatic corps, international financial institutions, and regional and subregional organizations, the Core Group meets twice a month to

exchange information and discuss issues of common interest. The Core Group in New York is expected to be launched at the end of November 2004.

XII. Mission support

48. MINUSTAH continued to share common premises and services with several United Nations agencies in the UNDP compound, where temporary offices have been established. Several other premises have been acquired to meet the Mission's expanded needs. In the absence of an acceptable integrated headquarters facility, MINUSTAH will continue operating from several locations as an interim measure.

XIII. Financial aspects

49. By its resolution 59/17 of 29 October 2004, the General Assembly appropriated the amount of $49,259,800 for the period from 1 May to 30 June 2004 previously authorized by the Advisory Committee on Administrative and Budgetary Questions for the establishment of the Mission under the terms of section IV of Assembly resolution 49/233 A, and appropriated the amount of $379,046,800 for the period from 1 July 2004 to 30 June 2005, inclusive of the amount of $172,480,500 previously authorized by the Assembly in its resolution 58/311 for the period from 1 July to 31 October 2004. The assessment of the amount of $206,566,300, equivalent to $25,820,787 per month, for the period from 1 November 2004 to 30 June 2005 is subject to the decision of the Security Council to extend the mandate of the Mission.

50. Should the Security Council decide to extend the mandate of MINUSTAH beyond 30 November 2004, the cost of operating the Mission until 30 June 2005 would be limited to the monthly amounts approved by the General Assembly.

51. As at 30 September 2004, unpaid assessed contributions to the Special Account for MINUSTAH amounted to $144.4 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,654 million.

XIV. Structure of the Mission

52. My Special Representative and the leadership of MINUSTAH have kept the structure and concept of operations of the Mission under constant review, keeping in mind the changing situation in Haiti. They have found that the time is not right for a major review of the general structure of MINUSTAH as the Mission has not yet fully deployed, the political processes are still in their early stages and the situation in Haiti remains fluid. Within the present general structure of MINUSTAH, a number of modifications could however be made to increase the Mission's capacity to implement its mandate at this stage.

53. The change in the security challenges confronting Haiti at this time has made it advisable to add, for an interim period, an additional formed police unit of 125 officers, to be stationed in Port-au-Prince, to provide enhanced operational support to the Haitian National Police and to strengthen security arrangements in the capital. The additional unit can be accommodated within the present authorized strength of

1,622 officers by postponing the deployment of a commensurate number of individual civilian police officers until such time as the situation on the ground warrants.

54. In addition, it is important for MINUSTAH to have the ability to rapidly undertake short-term projects that can make an immediate tangible difference in the lives of the people. Failure to do so would not only have dire humanitarian consequences, but it could also result in a general perception among the poorer sectors of society that MINUSTAH does little to contribute to positive and visible changes in Haiti. This may in turn create additional security risks for the Mission. My Special Representative has therefore concluded that the need for quick-impact projects of a humanitarian nature to be implemented by MINUSTAH will continue beyond the first year of the Mission. These projects will be fully in line with the objectives of the interim cooperation framework and could also provide an impetus for other partners to move rapidly on their commitment to Haiti.

55. In the light of the lack of capacity of the Transitional Government, there is a need to augment the capacity of MINUSTAH to implement disarmament, demobilization and reintegration projects in the community. Specifically, MINUSTAH would need to undertake operational activities, such as training, pre-positioning of equipment, establishment of registration centres, surveys and assessments and community-based projects. MINUSTAH would also require strengthening of its capacity to monitor and evaluate the community-based projects and to support the Transitional Government in developing the legal and institutional framework for disarmament, demobilization and reintegration, including small arms control and other security sector-related legislation.

56. MINUSTAH has furthermore recommended that, at this stage of deployment, one engineering company be added to its military component. The engineering company would have the task of repairing, in particular, roads and bridges which are used by MINUSTAH personnel during the implementation of their mandate. At the same time, the population at large would benefit from improved infrastructure in the country. This request could also be accommodated within the authorized strength of the MINUSTAH military component by postponing the deployment of a commensurate number of infantry soldiers or by replacing them with the engineering company on a longer-term basis, if it is deemed to be an operational requirement.

57. The humanitarian crisis ensuing from tropical storm Jeanne has demonstrated that the vulnerability of Haiti to natural disasters is greater than anticipated at the establishment of the Mission, as is the need for international assistance and capacity-building. In view of this, my Special Representative has recommended a modest strengthening of the humanitarian and development coordination pillar of MINUSTAH.

XV. Observations

58. Since my interim report of 30 August, the security situation in Haiti has deteriorated with a surge in violence, in particular in the capital in October, and I appeal to all armed groups to break this cycle of violence in order not to endanger further the transition process under way. As MINUSTAH troops and police personnel continue to build up their strength, the Mission's capacity to ensure a

secure and stable environment will increase. I urge countries contributing troops and personnel to abide by the deployment schedules that have been agreed. I would also like to reiterate my plea to Member States to make a further effort to provide French-speaking police officers.

59. I support the Transitional Government's efforts to put an end to the violence perpetrated by armed groups which have a common interest in destabilizing the country. I also welcome the establishment of an office which will seek to reintegrate into society the demobilized military, whose actions constitute a challenge to the authority of the State.

60. The restoration of law and order throughout the country needs to be achieved with due regard for basic human rights and the rule of law. The Transitional Government, in particular its law enforcement structures, needs to demonstrate a genuine and consistent adherence to human rights and legal principles as it deals with those responsible for the recent violence. I should like to remind the Transitional Government that the arbitrary detention of people solely for their political affiliation is in contravention of fundamental human rights principles. I therefore encourage the Transitional Government to release those against whom no charges have been brought and bring the others to justice in a fair and transparent process. I welcome the Transitional Government's decision on 7 October 2004 to lift the travel restrictions that had been imposed on certain former civil servants and politicians.

61. The recent violence has again underlined the need to remove all illegal weapons from the streets effectively, including through a comprehensive and community-based disarmament, demobilization and reintegration programme. I welcome the establishment of an ad hoc committee on disarmament, demobilization and reintegration which will help to prepare for the creation of the National Commission, which I hope will be established as a matter of priority. I also encourage the Transitional Government to include all segments of Haitian society in the development of that institution to ensure a truly national ownership of the disarmament, demobilization and reintegration process.

62. While security is a necessary condition for the success of the transitional process, it is not sufficient. Without a parallel political process which involves all segments of society, no sustainable peace and security will be achieved. I encourage the Transitional Government to continue to explore all possible ways to include in the democratic and electoral process those who currently remain outside the transition process but have rejected violence.

63. I welcome the Transitional Government's sustained commitment to holding local, legislative and presidential elections in 2005, for which dates have now been set. At the same time, I encourage the Provisional Electoral Council to remain focused on its tasks within the agreed timeframe. I welcome the signing of the memorandum of understanding with OAS and am confident that, together, our organizations will strive to accompany the Haitians towards elections in the most efficient way. I am also grateful for the assistance that the International Organization of la Francophonie and other international organizations, agencies and donors are providing. The support that members of CARICOM could provide to the electoral process in Haiti would add a significant dimension to regional cooperation efforts in Haiti.

64. A political process without job creation or longer-term development is not credible for a population which has been living in severe poverty for such a long time. MINUSTAH remains committed to mobilizing resources for projects which make an immediate difference in the lives of the people. I welcome the establishment of coordination mechanisms aimed at aiding the implementation of the interim cooperation framework, which received overwhelming support from international donors in July 2004.

65. While I regret that the disbursement of funds by the donors has been slow in coming, owing in part to the increased instability in Haiti, I note with satisfaction the establishment of a suitable framework to receive, manage and allocate the funds. The international community has insisted upon transparency, efficiency and effectiveness in this regard. I welcome the efforts of several donors who have already started disbursing funds and encourage others to follow suit swiftly. I also reiterate the readiness of MINUSTAH and the United Nations country team to support the full implementation of the interim cooperation framework.

66. In view of the time line for elections established by the Provisional Electoral Council, I recommend that the Security Council extend the mandate of MINUSTAH for a further period of 18 months, until 31 May 2006. I support the suggestions outlined in this report for the modifications within the general structure of MINUSTAH (see paras. 52-57). My Special Representative and the leadership of MINUSTAH will continue to keep the structure of the Mission under constant review and I will revert to the Security Council with my recommendations when warranted.

67. In conclusion, I should like to commend my Special Representative, Juan Gabriel Valdés, and the civilian and military personnel of MINUSTAH, who continue to work tirelessly and with full dedication to restore peace and security and further the political process in Haiti, as mandated by the Security Council. I would also like once again to express my appreciation to the countries contributing troops and police personnel to MINUSTAH, as well as the United Nations agencies and humanitarian organizations for their steadfast efforts in supporting the transition process in Haiti.

Annex I

United Nations Stabilization Mission in Haiti

Countries providing military staff and contingents (as at 8 November 2004)

Country	*Staff officers*	*Troops*	*Total*
Argentina	7	552	559
Benin	3		3
Bolivia	6		6
Brazil*	12	1 197	1 209
Canada	2		2
Chile	6	483	489
Croatia	1		1
Ecuador		12	12
France	2		2
Guatemala	1	70	71
Jordan		95	95
Morocco		163	163
Nepal	8	129	137
Paraguay	6		6
Peru	2	205	207
Spain		200	200
Sri Lanka	1	750	751
United States of America	4		4
Uruguay	4	572	576
Total	**65**	**4 428**	**4 493**

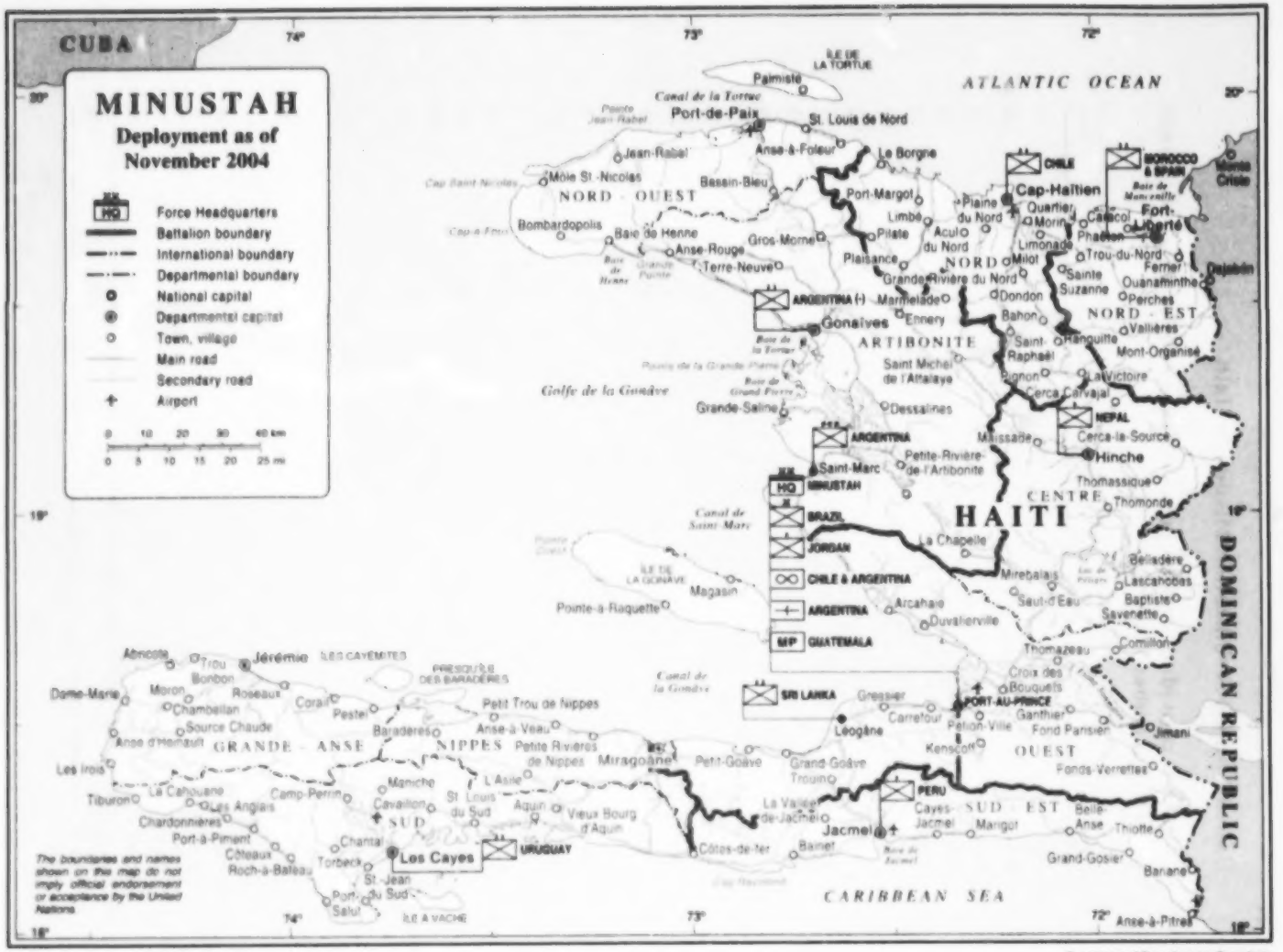
* Including the Force Commander.

Annex II

United Nations Stabilization Mission in Haiti

Countries providing civilian police officers and formed police units (as at 8 November 2004)

Country	*Civilian police officers*	*Formed police units*	*Total*
Argentina	1	-	1
Benin	30	-	30
Bosnia and Herzegovina	3	-	3
Brazil	3	-	3
Burkina Faso	39	-	39
Cameroon	43	-	43
Canada	101	-	101
Chad	19	-	19
Chile	38	-	38
China	1	125	126
El Salvador	2	-	2
France	79	-	79
Ghana	26	-	26
Jordan	1	250	251
Mali	8	-	8
Mauritius	2	-	2
Nepal	8	19	27
Niger	7	-	7
Nigeria	10		10
Pakistan		24	24
Philippines	10		10
Portugal	5	-	5
Romania	4	-	4
Senegal	51	-	51
Sierra Leone	5	-	5
Spain	30	-	30
Sri Lanka	3		3
Togo	4	-	4
Turkey	8	-	8
Uruguay	9	-	9
Zambia	10	-	10
Total	**560**	**418**	**978**



Map No. 4224 Rev. 2 UNITED NATIONS
November 2004

Department of Peacekeeping Operations
Cartographic Section